

IN THE HIGH COURT OF SINDH AT KARACHI

Crl. Bail Application No. 974 of 2023

Applicant : Ramesh Kumar
through Mr. Darvesh K. Mandhan, Advocate

Respondent : The State
through Mr. Iqbal Ahmed Awan, Addl.P.G.

Date of hearing : 17th October, 2023

ORDER

Omar Sial, J: Ramesh Kumar has sought pre-arrest bail in crime number 592 of 2018, registered under section 489-F P.P.C. His earlier bail application was dismissed on 03.03.2022 by the learned 4th Additional Sessions Judge, Malir.

2. Mohammad Azam alleged that Ramesh Kumar purchased animals from him for Rs. 2.8 million and in lieu thereof gave Azam a cheque of Rs. 500,000. The cheque bounced when presented at the bank counter for encashment.

3. I have heard the learned counsel for the applicant and the learned Additional Prosecutor General. The complainant did not appear even though he was at notice. My observations and findings are as follows.

4. Learned Additional Prosecutor General confirms that apart from the cheque in question, there is no documentary material on the police file as yet that evidences the alleged purchase of the animals by Ramesh Kumar. Although issuance of the cheque is also disputed, at the moment it cannot be determined upon a tentative assessment as to whether the cheque was given for the satisfaction of a loan or fulfilment of an obligation. This is an area of further inquiry. The lack of any material to record the Rs. 2.8 million transaction of sale nor any evidence of its payment, malafide on the part of the complainant in registering this case on account of business disputes, cannot conclusively be ruled out at this stage.

5. An offence under section 489-F P.P.C. carries a potential sentence of up to 3 years and although not bailable falls within the non-prohibitory clause of section 497 Cr.P.C. Keeping in view the principles of Tariq Bashir and 5 others vs The State (1995 PLD SC 34) in mind I do not see any exceptional or extraordinary reasons to deny the applicant bail.

6. The interim pre-arrest bail granted to the applicant earlier stands confirmed on the same terms and conditions. The CNIC of the applicant which was blocked pursuant to the order of this court dated 13.10.2022 in Crl. Bail Application No.1168 of 2022 may be unblocked.

JUDGE

