

IN THE HIGH COURT OF SINDH AT KARACHI**Crl. Bail Application No. 2180 of 2023**

Applicant : Ahmed Yaseen Qazi
through Mr. Khalid Mehboob, Advocate
along with applicant.

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

Complainant : Muhammad Aamir Aziz
through Mr. A.K. Brohi, Advocate

Date of hearing : 27th November, 2023

ORDER

Omar Sial, J: Ahmed Yaseen Qazi has sought pre-arrest bail in crime number 930 of 2023 registered under section 489-F P.P.C. at the Sachal police station in Karachi. His earlier bail plea was dismissed on 25.09.2023 by the learned 1st Additional Sessions Judge, Malir.

2. The F.I.R. mentioned above was registered on 21.08.2023 on the information provided by Mohammad Aamir Aziz. Aziz reported that he had asked the applicant to sell a property for him for Rs. 8 crores. The applicant gave him Rs. 5 crores and one plot of land worth 3 crores and 15 lakhs as the sale consideration. The papers of the latter property were not in order, so Aziz asked for his money back. The applicant issued him a cheque for the amount, which was dishonoured when presented at the bank's counters for clearance.

3. I have heard the learned counsel for the applicant, the complainant, and the learned Additional Prosecutor General. My observations and findings are as follows.

4. Learned counsel for the complainant has not been able to show me any evidence of the transactions that he alleges were entered into between the applicant and the complainant. Whether the cheque was issued to satisfy a loan or fulfil an obligation must be determined when evidence is led at trial. At the moment, I find it odd that the complainant would enter into successive property transactions with the applicant without feeling the need to record the transactions in writing. For an offence under section 489-F, it must be proved that the dishonoured cheque was issued dishonestly to satisfy a loan or fulfil an obligation. No suit for specific performance or recovery has been filed by the complainant, which raises doubts that criminal law may have been put into motion with a degree of malafide to put pressure on the applicant. Prima facie it seems that the issue between the parties is one of settlement of accounts.

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

6. Given the above, the interim pre-arrest bail granted to the applicant is confirmed on the same terms and conditions.

JUDGE