

IN THE HIGH COURT OF SINDH AT KARACHI

Criminal Bail Application No.450 of 2023

Applicant : Aamir Hussain S/o Ghulam Fareed
Through Mr. Shakir Ali Rajput, Advocate

Complainant : Ubaidullah Manik Mushtaq S/o Mushtaq
Ahmed
None present.

Respondent : The State
Through Mr. Abrar Ali Khichi
Addl. Prosecutor General, Sindh

Date of hearing : 16.08.2023

Date of order : 16.08.2023

ORDER

AMJAD ALI SAHITO, J – Through the instant bail application, applicant/accused seeks pre-arrest bail in Crime No.172/2023 u/s. 489-F/420/506/34 PPC registered at PS SSHIA, after his bail plea has been declined by VIII-Additional Sessions Judge, Malir Karachi vide order dated 25.02.2023.

2. The details and particulars of the FIR are already available in the memo of bail application and FIR, which can be gathered from the copy of FIR attached with the application, hence, needs not to reproduce the same hereunder.

3. Learned counsel for the applicant/accused submits that an amount of Rs.18 lacs was outstanding for which the applicant has given five cheques to the complainant for different dates, out of which two have been encashed and remaining will be encashed on the dates mentioned in the cheques. He further submits that due to intervention of naikmard the matter has been patched up between the parties and also files Affidavits of the applicant so also one Junaid Butt, who has become a surety in this matter. He lastly prays for confirmation of bail.

4. Learned Addl. P.G. raises no objection for confirmation of bail to the applicant/accused.

5. I have heard the learned counsel for the parties and have gone through the material available on record.

6. Learned counsel for the applicant has filed affidavits, which show that the applicant has given five cheques to the complainant in lieu of his outstanding amount; however, two cheques have been encashed and remaining three will be encashed on the dates written in the said cheques. Since the parties have patched up the matter, as such, the fate of the case will be decided at the trial.

7. In view of the above, the instant bail application is **allowed**. The pre-arrest bail granted to the applicant vide order dated 28.02.2023 is hereby confirmed. Applicant/accused is directed to attend the trial as and when required. However, it is made clear that if the applicant/accused misuses the concession of bail, learned trial Court would be at liberty to take appropriate action.

8. Needless to mention here that the observations made hereinabove are tentative in nature and would not influence the learned trial Court while deciding the case of the applicant on merits.

Kamran/PA

JUDGE