

ORDER SHEET
IN THE HIGH COURT OF SINDH KARACHI
Criminal Bail Application No.699 of 2022

Date Order with signature(s) of Judge(s)

Atif Abdul Aziz Polani.....Applicant/Accused

Vs.

The State.....Respondent

14.09.2023

Applicant is present on interim pre-arrest bail.
Mr. Zulfiqar Ali Langah, Advocate for the Applicant
Mr. Akhtar Ali Memon, Advocate for the Complainant
Mr. Abrar Ali Khichi, Addl. P.G.

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ORDER

AMJAD ALI SAHITO, J -- Through this application, applicant above named seeks pre-arrest bail in Crime No.50/2022 U/s 489-F PPC at PS Mithadar, after his bail plea has been declined by the learned Xth Addl. Sessions Judge, Karachi South vide order dated 02.04.2023.

2. The allegation against the applicant is that he has issued a cheque sum of Rs.70 lacs to the complainant, which became dishonoured on its presentation; however, during pendency of this bail application, progress report was called which report reflects that complainant Abdul Majeed has been examined, whereas, one witness has given up. Since the trial is at verge as such reliance is placed in the case of **Rehmatullah v. The State (2011 SCMR 1332)**, wherein the Hon'ble Supreme Court of Pakistan has held that the courts should not grant or cancel bail when the trial is in progress and proper course for the courts in such a situation would be to direct the learned trial Court to conclude the trial of the case within a specified period.

3. In view of the above, the applicant has made out a case for grant of bail in terms of subsection 2 of Section 497 Cr.P.C.

Accordingly, the instant Bail Application is **allowed**. The interim pre-arrest bail already granted to the applicant vide order dated 13.04.2022 is hereby confirmed on the same terms and conditions. However, learned trial Court is directed to examine material witnesses on the next date of hearing and if the applicant misuses concession of bail, learned trial Court shall recall this bail order and detain him in jail till decision of the case.

4. 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/accused on merits.

JUDGE

Kamran/PA