ORDER SHEET

IN THE HIGH COURT OF SINDH AT KARACHI Criminal Bail Application No. 601 of 2024

(Muhammad Farooq Khan v. The State)

Date

Order with signature of Judges

For hearing of bail application

21.05.2024

Mr. Abid Ali Jatoi, advocate for the applicant

Mr. Attaullah Abbasi, advocate for the complainant

Mr. Mumtaz Ali Shah, Assistant Prosecutor General for the State

It is alleged that complainant Azeem Ahmed invested a certain amount in a gold business with the undertaking of the applicant and others that they would pay him rupees one lac fifty thousand per month out of profit to be earned, which they failed to pay, instead took over the business of the complainant. Based on such an allegation, he by making an application u/s 22A/B Cr.PC sought a direction against the police to record his FIR; it was recorded accordingly.

The applicant having been involved in the aforesaid case sought pre-arrest bail; it was declined by learned IInd-Additional Sessions Judge, Karachi South, therefore, he has sought the same from this Court by way of the instant bail application u/s 498 Cr. P.C.

It is contended by learned counsel for the applicant that the applicant is innocent and has been involved in this case falsely by the complainant to satisfy his grudge with him; the FIR of the incident has been lodged with a delay of about forty-one days; the applicant has nothing to do with the alleged incident and the offence against him is not falling within the prohibitory clause, therefore, he is entitled to be admitted to pre-arrest bail on point of further inquiry and malafide, which is opposed by learned Asstt. PG for the state and learned counsel for the complainant by contending that the applicant in collusion with others has committed the financial death of the complainant by practicing fraud and cheating.

Heard arguments and perused the record.

The FIR of the incident has been lodged with a delay of about 41 days; such delay could not be overlooked. Admittedly, the applicant was an employee at the shop under-investment; the offence alleged against the applicant even otherwise does not fall within the prohibitory clause; the case has finally been challaned. In these circumstances, the case for grant of pre-arrest bail to the applicant on the point of further inquiry and malafide is made out.

Under the given circumstances, the interim pre-arrest bail already granted to the applicant is confirmed on the same terms and conditions.

Instant bail application is disposed of accordingly.

JUDGE