

## **IN THE HIGH COURT OF SINDH AT KARACHI**

### Criminal Bail Application No.686 of 2024

Applicant : Muhammad Umar son of Noor Muhammad  
through Mr. Karamullah Qureshi, Advocate

Complainant : Gul Hassan son of Muhammad Moosa  
through Mr. Shiraz Ahmed Bhatti, Advocate

Respondent : The State  
through Mr. Saleem Akhtar Buriro, Addl.  
P.G. Sindh

Date of hearing : 09.07.2024

Date of order : 09.07.2024

### **ORDER**

**AMJAD ALI SAHITO, J** - Through this bail application, applicants/accused seeks pre-arrest bail in FIR No.852/2023 U/s. 489-F PPC at PS Malir City, after his bail plea has been declined by learned Vth Addl. Sessions Judge, Malir Karachi vide order dated 21.12.2023.

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. Per learned counsel for the applicant, the applicant is innocent and has falsely been implicated in this case by the complainant; that in fact the applicant purchased a plot from the complainant and in lieu thereof, he paid an amount of Rs.10 lacs and thereafter, he demanded possession of the said plot from the complainant, however, the complainant stated that as and when he pays the remaining amount then he will hand over the possession, which is against the agreement; that the applicant had issued a security cheque of Rs.675,000/- to the complainant party but instead of giving possession, the complainant lodged the instant FIR. He further submits that a civil suit is also pending in this regard. Lastly, he prays for confirmation of bail.

4. On the other hand, learned counsel for the complainant and learned Addl. P.G. have vehemently opposed for confirmation of bail. Learned counsel for the complainant submits that the

applicant has not denied the issuance of cheque and he is involved in white collar crime.

5. Heard and perused. From perusal of record, it reflects that there is an agreement between the parties over the plot, out of which the applicant has paid Rs.10 lacs and for the remaining amount of Rs.7 lacs, it was decided that after handing over the possession to the applicant, he will pay the same. Since the complainant has not given possession of the plot to the applicant, as such, he is not under obligation to pay the same as per the agreement. Further, a civil suit is also pending before the competent Court. Since there is a dispute between the parties over the plot, therefore, it is yet to be decided by the learned trial Court whether the cheque was issued for the purpose of remaining payment or otherwise when the evidence will be recorded. At bail stage, only a tentative assessment is to be made and deeper appreciation is not permissible under the law.

6. In view of the above stated position, learned counsel for the applicant has made out a case for grant of bail in terms of subsection 2 of Section 497 Cr.P.C. Resultantly, the instant bail application is allowed. The pre-arrest bail granted to the applicant vide order dated 26.03.2024 is hereby confirmed on the same terms and conditions. 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.

7. 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.

JUDGE

Kamran/PA