

IN THE HIGH COURT OF SINDH, KARACHI

Criminal Bail Application No. 1860 of 2024

<i>Date</i>	<i>Order with signature of Judge</i>
Applicant Mst. Shahina W/o Muhammad Tahir (present on bail)	: through Mr. Farrukh, Advocate
The State	: Through Ms. Rubina Qadir, Deputy Prosecutor General, Sindh.
Complainant Owais Aslam	: in person
Date of hearing	: 03.10.2024
Date of order	: 03.10.2024

ORDER

Muhammad Saleem Jessar, J:- Through this application, applicant Mst. Shahina seeks her admission to pre-arrest bail in Crime No.312/2024 of Police Station Pakistan Bazar, Karachi, under Section 489-F PPC. The applicant preferred her anticipatory bail before the Court of Sessions wherefrom it was assigned to Addl. Sessions Judge-XII, Karachi (West) vide Criminal Bail Application No.3607/2024 (re-Mst. Shahina Versus The State), who after hearing the parties, has turned down her request through order dated 15.08.2024; hence, instant bail application has been maintained.

2. Since the facts of the prosecution case are already mentioned in the FIR, which is annexed with the Court file, therefore, there is no need to reproduce the same.

3. Pursuant to directions contained under previous order, learned trial Court / Civil Judge & Judicial Magistrate-XVIII, Karachi (West) has submitted progress report, which reveals that accused has been appearing before it on each and every date of hearing; besides, the case has been adjourned for 12.10.2024 for supplying of copies to the accused.

4. Learned counsel for the applicant submits that amount involved in this case is Rs.100,000/- only, which is meager one; hence prays that case against applicant requires further inquiry, therefore, applicant may be admitted to pre-arrest bail.

5. On the other hand, learned Deputy P.G, Sindh appearing for the State, opposes the bail application on the ground that applicant is nominated in the FIR and she being a lady has defrauded the complainant by usurping his amount.

6. Complainant present in person, also opposes the bail application and submits that besides this case, applicant has also defrauded him for other cheque amounting to Rs.600,000/- for which a separate FIR bearing No.373 of 2024 has been registered with P.S Pakistan Bazar, for the offence punishable to Section 489-F PPC on 25.03.2024, in which applicant has been granted ad-interim pre-arrest bail.

7. **Heard arguments and perused record.** Since, the amount involved in this case is meager one and the accused being a lady has joined the trial; besides, documentary evidence has been collected by the police during investigation which is sufficient to maintain conviction against her. The accusation against her is yet to be established by the prosecution, after recording evidence of its witnesses, then the trial Court has to determine the same against her. In my view, case against her requires further inquiry. Consequently, instant bail application is hereby allowed; interim bail granted earlier to applicant **Mst. Shahina W/o Muhammad Tahir** on 21.08.2024 is hereby confirmed on same terms and conditions.

8. Applicant present before the Court is directed to continue her appearance before the trial Court without negligence and in case she may misuse the concession or may temper with the prosecution's evidence then the trial Court would be competent to take legal action against her as well to her surety in terms of Section 514 Cr.PC. Trial Court is also hereby directed to make necessary arrangements for securing attendance of the prosecution witnesses and conclude the trial within shortest possible time under intimation to this Court through MIT-II.

9. Let copy of this Order be communicated to trial Court through learned Sessions Judge, concerned. Learned MIT-II to ensure compliance.

JUDGE

