

**ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI.
Cr. Bail Appl. No.1405 of 2024**

24.10.2024

Mr. Ghulam Qadir, Advocate for applicant.
Ms. Rahat Ahsan, Addl. P.G.

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ORDER

MUHAMMAD IQBAL KALHORO J: Applicant Muhammad Ali Khan is seeking pre arrest bail in Crime No.134/2024 U/s 489-F PPC of P.S. Gizri, Karachi. Applicant is present on interim pre arrest bail granted to him vide order dated 26.06.2024 and matter is fixed for confirmation or otherwise.

2. As per brief facts, complainant invested different amounts in the business of rice of the applicant against monthly profits. As per FIR applicant used to pay certain monthly profit to the complainant but then stopped doing so. When complainant demanded his money back, applicant told him to get his two cheques of Rs.1500,000/- and Rs.57,00,000/- encashed to get his amount back. When he presented these cheques in the bank, the same were dishonored, hence this FIR.

3. Learned counsel for applicant submits that there was a partnership between the parties, the applicant has already paid outstanding amount to the complainant; at the time of investigation he had submitted such proof to the I.O. which fact is mentioned in the challan, yet he has been booked in this case falsely; the offence carries punishment of only three years. His arguments have been opposed by learned Addl. P.G.

4. I have heard the parties and perused the record. The case history shows that there was a partnership between the parties and in terms of the same agreement complainant had invested the amount. Up-till now reportedly complainant has not filed any suit for recovery of the amount. *Prima facie* the challan shows that applicant had submitted photoset copies of all relevant documents showing reimbursement of the amount to the complainant, hence case of further inquiry is made out. More so, since the offence carries punishment of only three years, this application is allowed and the interim pre arrest bail granted to the applicant is confirmed on the same terms and conditions.

The observations made herein above are tentative in nature and would not prejudice case of either party at trial.

The Cr. Bail Application is disposed of.

JUDGE

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