

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
Cr. Bail. Appl. No.2444 of 2024

Date	Order with signature of the Judge
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02.12.2024

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

ORDER

MUHAMMAD IQBAL KALHORO J: Applicant Faisal Ansari is seeking pre arrest bail in Crime No.409/2024 U/s 489-F, PPC of P.S. Malir Cantt. Karachi. Applicant is present on ad-interim pre arrest bail granted to him vide order dated 23.10.2024 and today matter is fixed for confirmation or otherwise.

2. As per brief facts, complainant invested an amount of Rs.30,00,000/- in the garment business of the applicant on profit basis but applicant neither paid him profit nor his original amount on demand. Finally, he gave two cheques of Rs.500,000/- each to the complainant, which on presentation in bank were dishonoured, hence FIR.

3. Learned defence counsel submits that applicant has paid Rs.200,000/- to the complainant out of his entire amount, however, he has failed to produce any receipt.

4. On the other hand, learned APG has opposed the bail stating that applicant is habitual offender and three other cases of similar nature have been registered against him.

5. I have considered submissions of the parties and perused material available on record. Applicant prima facie appears to be habitual offender as three more cases of similar nature have already been registered against him. There is positive investigation report showing that he has issued two dishonest cheques. Relief of pre arrest bail is extra ordinary which is meant to be extended to innocent persons who are falsely implicated in the case out of malafide and ulterior motives by the complainant or police. No such element is present in the instant case. There is prima facie evidence of dishonoured cheques against the applicant and 161 Cr.P.C statements.

6. Accordingly, this pre arrest bail application is dismissed and the order granting ad-interim pre arrest bail to the applicant is hereby recalled.

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

The bail application is disposed of.

J U D G E

A.K