

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI.

Cr. Bail Appl. No.687 of 2024
(Muhammad Rafiuddin Farooqi **vs.** The State)

Date	Order with signature of Judge
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For hearing of Bail Application.

27.06.2024.

Mr. Aamir Nawaz, advocate holding brief for Mr. Sajjad Ali Solangi,
advocate for applicant

Mr. Zulfiqar Ahmed Baig, advocate for complainant

Syed Mumtaz Ali Shah, Assistant Prosecutor General

ORDER

MUHAMMAD IQBAL KALHORO J: As per FIR, complainant, who is a Lecturer in Government College Asimabad, Karachi was in acquaintance with the applicant and others, who had introduced themselves to him as businessmen. They purchased a corolla car from the complainant in the sum of Rs.15,00,000/- but instead of giving him cash gave him another corolla car of a new model and demanded that he should pay them extra Rs.18,00,000/-. When the complainant got the car checked, he found that it was non-paid custom car. Subsequently, the said car was stolen by unknown person but in CCTV footage applicant and others were identified to be doing so. They did not thereafter either gave cash to the complainant, or returned him his car. Hence, FIR.

2. Learned counsel for the applicant has chosen to remain absent today. However, I have heard applicant in person, who says he is innocent and falsely implicated in this case.

3. Counsel for the complainant as well as learned APG have opposed bail to the applicant.

4. There is sufficient evidence in the shape of investigation and 161 Cr.PC statements of witnesses showing that applicant not only defrauded the complainant of his car but the car, which was given to him in return, was got stolen by him and his accomplices. The concept of pre-arrest bail is not for the accused against whom there is *prima facie* material showing his involvement in the case but is for the people who have been falsely implicated in the case on account of malafide and ulterior motives of the complainant. There is no material on the record that applicant, who has defrauded the complainant has been falsely implicated in this case. In the circumstances, applicant is not entitled to grant concession of pre-arrest bail. Consequently, this bail

application is dismissed and ad-interim pre-arrest bail granted to the applicant on 26.03.2024 is hereby recalled.

5. Bail application stands disposed of in the above terms. The observations made hereinabove are tentative in nature and would not prejudice case of either party at trial.

JUDGE

Rafiq/P.A