

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI

Cr.B.A.No.2346 of 2024

Muhammad Tahir.....Applicant

Vs.

The StateRespondent

For hearing of bail application

30.10.2024

Mr. Liaquat Ali Khan, advocate for the applicant a/w Mr. Shafique Ahmed Advocate.

Ms. Rahat Ehsan, Addl.P.G.

Complainant Akhtar Ali is present.

ORDER

Muhammad Iqbal Kalhoro, J:- It is alleged that the applicant, who is in jail, induced the complainant to pay him Rs.15,500,000/- for purchasing four acre land near Bahria Town, Karachi. It is further alleged that complainant gave aforesaid amount to him on different occasions in the shape of Rs. 7,500,000, 3,500,000/- and 4,500,000/- in cash, against which he issued a subject cheque of even amount, which on presentation in the bank was dishonoured, hence FIR.

2. Applicant's counsel has argued that there is a long standing dispute between the applicant and complainant; the cheque book was stolen by the complainant and such report was already submitted by the applicant against the complainant in the year 2021. Applicant has also registered an FIR Crime No.147 of 2023 u/s 406 PPC of P.S. Manghopir against the complainant; applicant is in jail and no more required for further investigation.

3. On the other hand complainant, who is present in person has opposed, stating that FIR against him has been disposed of under C-Class. Learned Addl.P.G. has also opposed bail to applicant.

4. I have considered the submissions of the parties and perused the material available on record.

5. The applicant's counsel has submitted certain documents, which show that this is an old-age dispute between the parties. The entire money which allegedly complainant gave to the applicant was in cash. In the investigation, the source of that amount has not been prima-facie identified. The applicant is in jail and is no more required for further investigation. The offence is punishable for three years and does not fall within the prohibitory clause u/s 497(i) Cr.P.C. The case is based on documentary evidence, which is in possession of the prosecution. There is no chance of evidence to be tampered with by the applicant.

6. Under the circumstances, this bail application is allowed and the applicant is granted bail subject to furnishing a solvent surety in the sum of Rupees Rs.500,000/- (Five Lacs) and P.R. bond in the same amount to the satisfaction of the learned trial Court.

7. The observations made here in above are tentative in nature and shall not prejudice right of the parties before the trial Court.

JUDGE

Imran