

ORDER SHEET
HIGH COURT OF SINDH AT KARACHI
Crl. Bail Appl. No.2193 of 2024.

Date

Order with signature of Judges

For hearing of Bail Application.

31.10.2024.

Mr. Ali Abbas, Advocate along with Applicant
Mr. Muhammad Iqbal Awan, Addl. Prosecutor General
Mr. Abbas Ali Shar, advocate for the complainant

Mohammad Karim Khan Agha, J:- Applicant Muhammad Ahsan was booked in FIR No.471/2024 under Section 489-F/420/506/34 PPC registered at PS Korangi, Karachi. He applied for pre arrest bail before the Court of Additional Sessions Judge-III (East) Karachi which was declined vide order dated 19.09.2024. Hence the applicant approached this Court for pre arrest bail.

2. Brief facts of the case as per FIR are that the complainant is doing his own business and entered into a deal of sale of second Floor, Plot No.Q-388, Korangi No.2 Karachi with applicant Muhammad Ahsan and one other for sale consideration of Rs.42,00,000/-. The complainant purchased the property and he was given two cheques amounting to Rs.32,00,000/- when presented before the concerned bank were bounced. Hence the aforesaid FIR was lodged against the present applicant.

3. I have heard learned counsel for the applicant. Learned Addl. Prosecutor General Sindh and learned counsel for the complainant have opposed to grant of the instant bail.

4. The maximum sentence available for the offence under which the applicant has been charged is 03 years imprisonment and the general rule is that bail should be granted in such like cases unless exceptional circumstances exist. There is no exceptional circumstance existing in this case in order to decline the bail. The case is based on the documentary evidence and the applicant cannot tamper with. Per learned counsel, the final challan has been submitted as such the applicant is no longer required for further investigation. The amount involved is relatively minor being Rs.32-lacs.

5. Based on the above discussion I hereby confirm the pre-arrest bail granted earlier on 26.09.2024 to the applicant Muhammad Ahsan on the same terms and conditions.

6. It is made clear that this order is only after a tentative assessment of the evidence available on record and would have no bearing on the trial of the applicant which shall be decided by the concerned trial Court expeditiously. No adjournment on any flimsy ground shall be allowed. In the event if the applicant misuses the concession of bail, the complainant shall be free to approach relevant forum for cancellation of his bail. Copy of this order shall be sent to the concerned Judicial Magistrate Karachi for compliance.

7. The instant criminal bail application stands disposed of in the above terms.

JUDGE

Nadir/PA