

ORDER SHEET
HIGH COURT OF SINDH AT KARACHI
Crl. Bail Appl. No.2191 of 2024.

Date

Order with signature of Judges

For hearing of Bail Application.

31.10.2024.

Mr. Raja Zeeshan, Advocate along with Applicant
Mr. Muhammad Iqbal Awan, Addl. Prosecutor General
Complainant in person

Mohammad Karim Khan Agha, J:- Applicant Rashid Mehmood @ Sunny was booked in FIR No.86/2024 under Section 408 PPC registered at PS North Nazimabad, Karachi. He applied for pre arrest bail before the Court of Additional Sessions Judge-VI (Central) Karachi which was declined vide order dated 25.09.2024. Hence the applicant approached this Court for pre arrest bail.

2. Brief facts of the case are that the complainant is owner of Zahid Traders which is concerned in the business of flour and selling the same to different markets. The applicant was employed by the complainant as Salesman until 2021. According to the complainant, the accused was tasked with supply of flour to different buyers and collect the sale-money from different shopkeepers and deposit the same in the office. It is alleged that the applicant prepared fake invoices and did not pay outstanding amount of Rs.18,46,795/- to the complainant which he embezzled. 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 the complainant in person have objected to the grant of the instant bail.

4. The maximum sentence available for the offence under which the applicant has been charged carry less than 10 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 which cannot be tampered with by the applicant. According to the learned counsel for the applicant final challan has been submitted

and charge is to be framed on the next date of hearing as such the applicant is no longer required for further investigation.

6. Based on the above discussion I hereby confirm the pre-arrest bail granted earlier on 26.09.2024 to the applicant Rashid Mehmood @ Sunny on the same terms and conditions.

7. 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 XVIIth Judicial Magistrate (Central) Karachi for compliance.

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

JUDGE

Nadir/PA