

**ORDER SHEET**  
**HIGH COURT OF SINDH AT KARACHI**  
**Crl. Bail Appl. No.500 of 2024.**

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

**16.09.2024.**

Mr. Muhammad Saeed, Advocate along with Applicant.  
Mr. Muhammad Iqbal Awan, Addl. Prosecutor General.  
Mr. Amjad Ali Shabrani, Advocate for the Complainant.

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**Mohammad Karim Khan Agha, J:-** Applicant Abdul Rauf was booked in FIR No.302/2021 under Section 420/506/406/109 PPC registered at PS Frere, Karachi. He applied for pre arrest bail before Court of IIIrd Additional Sessions Judge-South Karachi which was declined vide order dated 25.03.2023. Hence the applicant approached this Court for pre arrest bail.

2. Brief facts of the case as per FIR are that the complainant transferred an amount of Rs.2,50,000/- into the account of Mufti Abdul Sattar, out of which Rs.50,000/- spent on medical treatment of her husband. Husband then sold out his house in Quetta for Rs.60-lacs and received his share. Mufti Abdul Sattar again induced her husband to shift to Karachi which the family did. Mufti Abdul Sattar induced her husband to invest the remaining amount in the company which he did and used to receive its profit. Accordingly complainant's husband invested Rs.40-lacs in the company on 14.12.2012. However, when her husband demanded profit from Abdul Sattar he refused and threatened to kill him if he again demanded return of amount. Hence the aforesaid FIR was lodged against the applicant.

3. I have heard learned counsel for the applicant and learned Addl. Prosecutor General Sindh.

4. The offences for 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 documentary evidence which cannot be tampered with. Charge has already been framed and the applicant is no longer required for further investigation. The amount involved is not so huge being only Rs.40-lacs and only evidence is that the apparently this forty lac rupees is paid into the account of Applicant. It is noted that the other co-accused has already been acquitted.

5. Based on the above discussion, I hereby confirm the pre-arrest bail granted earlier on 01.03.2024 to the applicant **Abdul Rauf s/o Abdul Hannan** 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 within 03 months of the date of this order and no adjournment on any flimsy ground shall be allowed. Copy of this order shall be sent to 12<sup>th</sup> Judicial Magistrate (West) Karachi for compliance.

7. The charge has already been framed and there are not many witnesses. It is also noted that before the trial Court on numerous occasions the applicant and his counsel were called absent but the complainant was also on occasions called absent. In the event if the applicant does not appear on each and every date of hearing in order to proceed with the matter the complainant may approach this Court for cancellation of bail of the applicant.

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

**JUDGE**