

ORDER SHEET
IN THE HIGH COURT OF SINDH KARACHI
Cr. Bail Appl. No.1942 of 2024

Date	Order with signature(s) of Judge(s)
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For hearing of Bail Application.

19.09.2024.

Mr. M. Shiraz Mir, Advocate for the applicant
Mr. Muhammad Iqbal Awan, Addl. Prosecutor General Sindh.

Mohammad Karim Khan Agha, J:- Applicant Syed Nabeel Faisal was booked in FIR No.657/2022 under Section 489-F PPC registered at PS Shahra-e-Noor Jehan, Karachi. He applied for post arrest bail before Court of IInd Additional Sessions Judge (Central) Karachi which was declined vide order dated 22.08.2024. Hence the applicant approached this Court for post arrest bail.

2. Brief facts of the case as per FIR are that the complainant invested an amount of Rs.1,25,00,000/- (One Crore Twenty Five Lac) in the Real Estate business in the name of Horizon Company with its owner namely Nabeel Faisal, who is the applicant, and also entered into an agreement that profit would be paid @ 3% per month. However, the profit was not paid to him and when the complainant demanded its money back, the applicant gave a cheque of Rs.1,39,00,000/- which when presented before the concerned bank was bounced. 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 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 documentary evidence and the applicant cannot tamper with the same. Charge has been framed hence the applicant is no longer required for investigation.

5. As such the applicant **Syed Nabeel Faisal s/o Mamnoon Ahmed Rahat** is admitted to post arrest bail subject to furnishing his solvent surety in the sum of Rs.10,00,000/- (Rupees Ten Lac Only) and PR Bond in the like amount to the satisfaction of the Nazir of the concerned trial Court.

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 based on the evidence placed before it. Copy of this order shall be sent to 15th Judicial Magistrate (Central) Karachi for compliance.

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

JUDGE