

ORDER SHEET
HIGH COURT OF SINDH AT KARACHI
Cr. Bail Application No. 2152 of 2024.

Date

Order with signature of Judges

For hearing of Bail Application.

07.10.2024.

Mr. Muhammad Farooq, Advocate for the Applicant.
Mr. Muhammad Iqbal Awan, Addl. Prosecutor General.
Mr. Muhammad Irfan, Advocate for Complainant.

Mohammad Karim Khan Agha, J:- Applicant Noor Muhammad was booked in FIR No.396/2024 under Section 489-F PPC registered at PS Azizabad, Karachi. He applied for post arrest bail in the Court of Vth Additional Sessions Judge (Central) Karachi which was declined vide order dated 11.09.2024. Hence the applicant approached this Court for post arrest bail.

2. Brief facts of the case as per FIR are that the applicant is doing property business and he promised to give a portion of flat to the complainant subject to payment of Rs.1,25,00,000/- (One Crore Twenty Five Lacs) but he did not handover the same to the complainant and instead issued number of cheques total amounting to Rs.75,00,000/- which when present before the concerned bank bounced. Hence the aforesaid FIR was lodged.

3. I have heard learned counsel for the applicant, learned Addl. Prosecutor General Sindh and learned counsel for the Complainant and perused the record.

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 which cannot be tampered with. The charge sheet has already been submitted as such applicant is no longer required for investigation.

5. Based on the above discussion, the applicant **Noor Muhammad s/o Mehmood Ahmed** is admitted to post arrest bail subject to furnishing his solvent surety in the sum of Rs.1,00,000/- (Rupees One Lac) 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 based on the evidence placed before it expeditiously.

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

JUDGE

MAK/PS