

ORDER SHEET
HIGH COURT OF SINDH AT KARACHI
Crl. Bail Appl. No.2407 of 2023.

Date	Order with signature of Judges
------	--------------------------------

For hearing of Bail Application.

24.09.2024.

Mr. M. Danial Faraz Khan Ujjan, Advocate along with applicant.
Mr. Muhammad Iqbal Awan, Addl. Prosecutor General.
Mr. Dilawar Hussain Khattak, Advocate for Complainant.

Mohammad Karim Khan Agha, J:- Applicant Muhammad Arif Sheikh was booked in FIR No.113/2023 under Section 489-F PPC registered at PS Risala (South) Karachi. He applied for pre arrest bail before Court of IXth Additional Sessions Judge (South) Karachi which was declined vide order dated 13.10.2023. Hence the applicant approached this Court for pre arrest bail.

2. Brief facts of the case as per FIR are that the complainant had business relationship with the applicant and purchased tools from him for about Rs.76-lacs on credit. The applicant gave 36 cheques for Rs.22-lacs in order to repay the amount which he took on credit, however, when the cheques presented before 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.

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 the same. Challan has been

submitted as such the applicant is no longer required for further investigation. The amount involved is not huge being Rs.21-lacs.

5. Based on the above discussion I hereby confirm the pre-arrest bail granted earlier on 25.10.2023 to the applicant **Muhammad Arif Sheikh s/o Muhammad Shafiq** 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. 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 IVth Judicial Magistrate (South) Karachi for compliance.

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

JUDGE
.

MAK/PS