

ORDER SHEET
HIGH COURT OF SINDH AT KARACHI
Crl. Bail Appl. No.2563 of 2024.

Date

Order with signature of Judges

For hearing of Bail Application.

21.11.2024.

Mr. Zail ul Haq Ammodi, Advocate along with Applicant
Mr. Muhammad Iqbal Awan, Addl. Prosecutor General
Mr. Habib-ur-Rehman Marwat, Advocate for Complainant.
SIP Manzoor Rind, PS Ittehad Town, Karachi.

Mohammad Karim Khan Agha, J:- Applicant Kashif Mehmood was booked in FIR No.494/2024 under Section 489-F PPC registered at PS Ittehad Town, Karachi. He applied for pre arrest bail before the Court of Additional Sessions Judge-III (West) Karachi which was declined vide order dated 30.10.2024. Hence the applicant approached this Court for pre arrest bail.

2. Brief facts of the case as per FIR are that the complainant entered into an agreement with the applicant regarding purchase of plot on installments and in this respect he paid an amount of Rs.70,00,000/- through installments and when the complainant asked for possession of the subject plot he is avoiding to handover the possession on lame excuses and when complainant forced to the same the applicant issued a cheque of Rs.70-lacs which when presented by the complainant at the concerned bank same was bounced. Hence the aforesaid FIR was lodged against the present applicant.

3. I have heard learned counsel for the applicant. I have also heard learned Addl. Prosecutor General Sindh and learned counsel for the complainant and both have opposed the grant of bail.

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 by the applicant. The charge has been framed as such the applicant is no longer required for further investigation. The amount involved is relatively not huge being Rs.70-lacs.

5. Based on the above discussion I hereby confirm the pre-arrest bail granted earlier on 07.11.2024 to the applicant **Kashif Ahmed** 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 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 Judicial Magistrate-VI (West) Karachi for compliance.

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

JUDGE

MAK/PS