

**ORDER SHEET**  
**IN THE HIGH COURT OF SINDH AT KARACHI**  
**Cr. Bail Appl. No.141 of 2024**

Date	Order with signature of Judges
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For hearing of Bail Application

**21.02.2024.**

Applicant is present in person.  
Mr. Chanesar Khan Bihan, advocate for the complainant.  
Mr. Abrar Ali Khichi, Additional Prosecutor General Sindh.  
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***Mohammad Karim Khan Agha, J.*** Applicant Muhammad Zia S/o. Sirrajuddin is facing trial in respect of FIR No.226 of 2023 U/s. 489-F/34 PPC registered at PS Frere, Karachi. He applied for pre-arrest bail before the Court of Additional Sessions Judge-II Karachi South which was declined vide order dated 16.01.2024 hence, the applicant has approached this Court for pre-arrest bail.

2. Brief facts of the case are that the complainant was purchasing the house from the applicant and paid Rs.18,00,000/- in respect of the purchase to the applicant but the applicant then refused to hand over the house to the complainant. The complainant demanded his money back and the applicant issued the complainant with a cheque of Rs.500,000/- which when deposited in the complainant's Bank Account bounced, hence the aforesaid FIR has been lodged against the applicant.

3. I have heard the parties and perused the record.

4. The offence under Section 489-F PPC carries the maximum sentence of 03 years imprisonment and in such like cases the general rule is that bail should be granted unless some exceptional circumstance exist which justify the refusal of bail. In this case no such exceptional circumstances exist. The case is based on documentary evidence which cannot be tampered with by the applicant. The charge is about to be framed and as such the applicant is no longer required for investigation.

5. For the reasons discussed above, I find that the applicant has made out a case for pre-arrest bail as such his pre-arrest bail granted to the applicant Muhammad Zia S/o. Sirrajuddin earlier by this Court on 19.01.2024 is confirmed 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 outcome of the trial of the applicants which shall be decided by the concerned trial Court based on the evidence placed before it. The trial court is directed to complete the trial within 03 months of the date of this order. Copy of this order shall be sent to Additional Sessions Judge-II Karachi South for compliance.

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

JUDGE

*M. Arif*