

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI
Cr. Bail Appl. No.2369 of 2023

Date	Order with signature of Judges
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For hearing of Bail Application

06.03.2024.

Mr. Waqar Alam Abbasi, Advocate for the applicant.
Mr. Abrar Ali Khichi, Additional Prosecutor General Sindh.

Mohammad Karim Khan Agha, J. Applicant Nadeem Ahmed S/o. Muhammad Moosa is facing trial before the IInd Judicial Magistrate Karachi South in respect of Crime No.341/2023 U/s. 406/420/34 PPC registered at P.S Tipu Sultan, Karachi. He applied for pre-arrest which was declined by the Xth Additional Sessions Judge Karachi South vide order dated 17.10.2023, hence he has approached this Court for pre-arrest bail.

2. Brief facts of the case are that applicant Nadeem Ahmed used to work for the complainant's company where it is alleged that he and the co-accused Abdullah owed complainant's wife Rs.35,00,000/-. It is also alleged that wife of the complainant gave amount of Rs.22,00,000/- to the applicant and co-accused for investment in flat, however, it was not returned, hence the aforesaid FIR has been lodged against the applicant.

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

4. The offences for which the applicant has been charged carries the maximum sentence upto 07 years imprisonment and in such like cases the general rule is that bail should be granted unless some exceptional circumstances exist, which justifies the refusal of bail. In this case there is no exceptional circumstance exist. The case is based on documentary evidence which cannot be tampered with by the applicant. The charge has been framed and as such the applicant is no longer required for further investigation.

5. Based on the above discussion, I find that the applicant has made out a case of pre-arrest bail and as such the pre-arrest bail earlier granted on 19.10.2023 by this Court to the applicant Nadeem Ahmed S/o. Muhammad Moosa 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 applicant which shall be decided by the concerned trial Court on merits based on the evidence placed before it. The trial court is directed to complete the trial expeditiously.

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

JUDGE

M. Arif