

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI
Cr. Bail Appl. No.2530 of 2023

Date	Order with signature of Judges
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For hearing of Bail Application

29.02.2024.

Mr. Umair Bachani, Advocate for the applicant.
Mr. Muhammad Faisal associate of Khawaja Naveed Ahmed,
Advocate for the complainant.
Mr. Abrar Ali Khichi, Additional Prosecutor General Sindh.

Mohammad Karim Khan Agha, J. Applicant Inam Akbar S/o. Ghulam Akbar is facing trial before the VIth Judicial Magistrate Karachi East in respect of FIR No.350/2023 under section 489-F PPC registered at PS Ferozabad, Karachi. He applied for pre-arrest bail before the Court of 8th Additional Sessions Judge Karachi East which was declined vide order dated 25.10.2023, hence, the applicant has approached this Court for pre-arrest bail.

2. Brief facts of the case are that the complainant entered into the business agreement with the applicant and paid Rs.6,00,00,000/- to the applicant for business purpose whopromised to return the same after one month which the applicant failed to do so. Finally the applicant gave the complainant a cheque of Rs.6,00,00,000/- but when the same was presented before the concerned Bank bounced, hence the aforesaid FIR has been lodged against the applicant.

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

4. Admittedly the offence for which the applicant has been charged 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 circumstances exist, which justifies the refusal of bail. Although the amount involved is Rs.6,00,00,000/- I do not find this case to be of exceptional circumstances. The complainant has argued that the applicant is a

repeat offender and was not entitled to the concession of bail. However, he has conceded that the applicant has not been convicted in any offence. This case is based on documentary evidence and the applicant has no opportunity to interfere with the same. According to the learned counsel for the applicant the charge has already been framed and as such the applicant is no longer required for investigation.

5. Under these circumstances the pre-arrest bail earlier granted by this Court on 07.11.2023 to the applicant Inam Akbar S/o. Ghulam Akbar 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 within 03 months of the date of this order. Copy of this order shall be sent to VIth Judicial Magistrate Karachi East for compliance. It is noted that the complainant has argued that the applicant is not appearing before the concerned trial court. In the event that such conduct continues, the applicant would be free to apply for cancellation of bail.

7. This pre-arrest bail application is disposed of in the above terms.

JUDGE

M. Arif