

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI

Cr. Bail Appl. No.2750 of 2023
Cr. Bail Appl. No.2667 of 2023
Cr. Bail Appl. No.2648 of 2023
Cr. Bail Appl. No.2656 of 2023

Date	Order with signature of Judges
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For hearing of Bail Application

21.02.2024.

Mr. Muhammad Yaseen, Advocate for the applicant in Crl. Bail Application No.2648/2023.
Mr. Saleem Khan, Advocate for the applicant in Crl. Bail Application No.2656/2023.
Mr. Haad AM. Paggawala, advocate for the complainant.
Mr. Abrar Ali Khichi, Additional Prosecutor General Sindh.

Mohammad Karim Khan Agha, J. Applicants Muhammad Arsalan Ashraf S/o. Muhammad Shahid Ashrafi, Arbab Khan S/o. Shahid Khan, Rashid Hussain S/o. Nayab Hussain and Umair Anas @ Umair Anees S/o. Muhammad Anees are facing trial in respect of FIR No.586 of 2023 U/s. 420/34 PPC registered at PS Boat Basin, Karachi. They applied for pre-arrest bail before the Court of VIIIth Additional Sessions Judge Karachi South which was declined vide order dated 16.11.2023 hence, they have approached this Court for pre-arrest bail.

2. Brief facts of the case are that the complainant was working in Green Max (Private) Limited as Branch Manager situated at Haroonabad Site Area, Head Office when he discovered that about 12 employees including the applicants were involved in misappropriating the amount of approximately Rs.91,00,000/-. These employees promised to return back the money but instead disappeared, hence the aforesaid FIR was registered against them.

3. I have heard learned counsel for the parties and perused the record.

4. It is noted that the offence under Section 420 PPC for which the applicants have been booked carry the maximum sentence of

07 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 purely based on documentary evidence which cannot be tampered with by the applicants. The applicants are no longer required for investigation. The total amount being Rs.91,00,000/- when divided between 12 accused named in the FIR comes to about Rs.800,000/- each. Two of the applicants namely Rashid and Arbab have already compromised the matter with the complainant as confirmed by learned counsel for the complainant in Court who has no objection to the grant of bail in respect of these two applicants.

5. However, keeping in view the above discussion I find that all the applicants Muhammad Arsalan Ashraf S/o. Muhammad Shahid Ashrafi, Arbab Khan S/o. Shahid Khan, Rashid Hussain S/o. Nayab Hussain and Umair Anas @ Umair Anees S/o. Muhammad Anees have made out the case of pre-arrest bail and as such their pre-arrest bail granted earlier by this Court on 16.11.2023 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 expeditiously. Copy of this order shall be sent to VIIIth Additional Sessions Judge Karachi South for compliance.

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

JUDGE