

ORDER SHEET  
IN THE HIGH COURT OF SINDH, AT KARACHI.

**Criminal Bail Application No.83 of 2024.**

Date	Order with signature of Judge
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For hearing of bail application.

**30.01.2024.**

Mr. Liaquat Ali Awan, Advocate for the applicant.  
Mr. Saleem Ahmed Shar, Assistant Prosecutor General.  
ASI Muhammad Ashfaq, P.S. Civil Lines, Karachi.  
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**MOHAMMAD KARIM KHAN AGHA, J:-** The Applicant Rehmat Ullah Gazdar S/o. Ashiq Ali Gazdar is facing trial before the Ist Judicial Magistrate Karachi South in respect of FIR No.84/2023 U/s. 489-F R/W 420 PPC registered at P.S. Civil Line, Karachi. The applicant applied for pre-arrest bail before the Xth Additional Sessions Judge Karachi South which was declined vide order dated 11.01.2024, hence he has approached this Court for pre-arrest bail.

2. The brief facts of the case as per FIR are that the co-accused Kashan Gazdar had been doing business with the complainant for the last 04 years and gave the complainant a cheque of Rs.40,00,000/- in respect of money which he owed him and the aforesaid cheque was bounced when presented before the concerned bank, hence the above said FIR has been lodged against the co-accused Kashan Gazdar.

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

4. The applicant Rehmat Ullah Gazdar is not nominated in the FIR rather his brother Kashan Gazdar who had issued a cheque which later on bounced and FIR was lodged against him under section 489-F PPC. It is difficult to see how the applicant is involved in the offence when his name does not appear in the FIR or even issued the bounced cheque. In any event the offence under section 489-F PPC carries the maximum sentence of 03 years imprisonment. The general rule in such like cases is that bail

should be granted unless there are exceptional circumstances for declining the bail. There are no exceptional circumstances which exist in this case. The case is based on documentary evidence and as such there is no chance of the applicant tampering with the same. The charge is about to be framed and as such the applicant is no longer required for further inquiry.

5. Based on the above discussion, the ad-interim pre-arrest bail earlier granted to the applicant Rehmat Ullah Gazdar S/o. Ashiq Ali Gazdar is confirmed on the same terms and conditions. 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 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. A copy of this order shall be sent to the Ist Judicial Magistrate Karachi South for compliance.

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

JUDGE

*M. Arif*