

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

Criminal Bail Application No.2728 of 2023.

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

24.01.2024.

Syed Ishrat Hussain Jafri, Advocate for the applicant.
Mr. Tariq Mahmood Malik, Advocate for the complainant.
Mr. Abrar Ali Khichi, Additional Prosecutor General.

MOHAMMAD KARIM KHAN AGHA, J:- The Applicant Muhammad Umair S/o. Zafar Iqbal is facing trial before the IXth Judicial Magistrate Karachi East in respect of FIR No.684/2023 U/s. 489-F PPC registered at P.S. Landhi, Karachi. The applicant applied for pre-arrest bail, however, the same was declined by the court of IIIrd Additional Sessions Judge Karachi East vide order dated 27.11.2023, hence the applicant has applied before this court for pre-arrest bail.

2. The brief facts of the case are that the applicant purchased the aluminum from the complainant and issued him 02 cheques in respect of the same amounting to Rs.53,15,000/- and when such cheques presented before the concerned bank they were bounced, hence the aforesaid FIR was 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. 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 sane. The applicant is no longer required for investigation and the amount involved is not huge being approximately Rs.53,00,000/-.

5. Based on the above discussion, the pre-arrest bail earlier granted to the applicant Muhammad Umair S/o. Zafar Iqbal by this Court 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 of 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 IXth Judicial Magistrate Karachi East for compliance.

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

JUDGE

M. Arif