

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI
Cr. Bail Appl. No.130 of 2024

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| Date | Order with signature of Judges |
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For hearing of Bail Application

06.03.2024.
Mr. Iftihar Ali holding brief for Mr. Ali Akhtar Arain, advocate along with Applicant
Mr. Abrar Ali Khichi, Additional Prosecutor General Sindh.

Mohammad Karim Khan Agha, J. Applicant Muhammad Fareed is facing trial in respect of FIR No.992 of 2023, under Section 489-F PPC registered at PS Tamoria, Karachi before the IIIRD Additional Sessions Judge (Central) Karachi. He applied for pre-arrest bail which was declined vide order dated 16.01.2024 by the Additional Sessions Judge-III (Central) Karachi. Hence, the applicant has approached this Court for pre-arrest bail.

2. Brief facts of the case are that the applicant was serving with the complainant for a longtime and he used to do electronic work for him. In the year 2021 applicant asked the complainant for some amount as loan on the assurance that he will return the same in one and half months. The complainant had given a loan to the applicant Rs.46,00,000/- on promise that he will return the same within one and half months. However, after expiry of given time when the complainant demanded the loan amount then applicant given him two cheques of Rs.10,00,000/- each but when the cheques were presented before the concerned bank same were bounced hence the FIR was lodged against the applicant under Section 489-F Cr.PC.

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

4. It is an admitted position that offence under Section 489-F PPC carries maximum sentence of 03 years imprisonment and in such likes cases the general rule is that bail should be granted unless exceptional circumstance exists which justify the refusal of bail. In this case learned

Additional Prosecutor General, Sindh has not been able to point out any exceptional circumstance. The amount involved is also not huge. The case also revolves around documentary evidence as such there is no chance for the applicant to tamper with the evidence. Applicant is also no longer required for investigation.

5. Based on the above discussion, I find that the applicant has made out a case for pre-arrest bail as such his pre-arrest bail granted earlier by this Court on 19.01.2024 is confirmed on the same terms and conditions.

6. This order is based only on a tentative assessment of the evidence and the learned trial Court shall proceed and decide the case on merits expeditiously in accordance with law. Copy of this order shall be sent to Additional Sessions Judge-III Karachi for compliance.

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

JUDGE