

ORDER SHEET
IN THE HIGH COURT OF SINDH KARACHI

Cr. Bail Application No.276 of 2024.

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| Date | Order with Signature of Judge |
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For hearing of Bail Application.

26.03.2024.

Mr. Muhammad Akram Khan, Advocate for the Applicant.
Mr. Saleem Akhtar Buriro, Addl. Prosecutor General Sindh.

Muhammad Karim Khan Agha, J. Applicant Sayed Muhammad Mehdi has been booked in the FIR No.485 of 2023 u/s.420/406/468/ 471/467/34 PPC registered at PS Defence (South) Karachi and is facing trial before the 1st Additionl Sessions Judge/MCTC (South) Karachi. He applied for post arrest bail in the Court of 1st Additionl Sessions Judge/MCTC (South) Karachi which was declined vide order dated 23.01.2024. Hence he has now approached this Court for post-arrest bail.

2. It appears from the FIR that the complainant accepted from the applicant land bearing survey No.63, Na-class 21, Deh Dozen, Scheme No.33 measuring 06-09 acres and showed his sale agreement and payment receipt which disclosed that he has purchased the property from previous owner Mst. Naheed Naqvi who had also handed over the physical possession to him. The complainant's company verified the lease and based on the above documentation entered into a sale agreement with the applicant who was paid an amount of Rs.1.5-million (Rupees One Cror Fifty Lacs) in order to execute the agreement between the complainant and the applicant. Later on Mst. Naheed Naqvi, regarding aforesaid property which was allegedly purchased from her, got published in the newspaper that the applicant had committed fraud and cheated with her and that the sale agreement, which he had provided to the complainant, was fake and forged which lead to the lodging of aforesaid FIR.

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

4. The offence for which the applicant has been charged carries maximum sentence of 10 years imprisonment and in such like cases the general rule is that bail should be granted unless exceptional circumstance exists which justify the refusal of bail. In this case no exceptional circumstance exists. However, the case also revolves around documentary evidence as such there is no chance for the applicant to tamper with the evidence. There is also a civil suit pending between the parties. According to the learned Addl. Prosecutor General Sindh no statement of Section 161 Cr.PC is available in the police file which is available with him which supports the allegation made by the complainant in the FIR against the applicant. Applicant has already been in jail for 07-months. Charge has not been framed despite there being 13 PWs. The applicant is also no longer required for investigation.

5. Based on the above discussion, applicant **Sayed Muhammad Mehdi s/o Sayed Baqar Mehdi Ahmed** is hereby granted post arrest bail subject to furnishing solvent surety in the sum of Rs.10,00,000/- (Rupees Ten Lacs) and P.R. bond in the like amount to the satisfaction of the concerned trial Court.

6. This order is based only on a tentative assessment of the evidence and the learned trial Court shall proceed to decide the case on merits expeditiously. Copy of this order shall be sent to concerned trial Court for compliance.

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

JUDGE

MAK/PS