

IN THE HIGH COURT OF SINDH, CIRCUIT COURT HYDERABAD

Crl. Bail Appln: No.S-446 of 2018.

Ali Jan. Applicant.

Versus.

The State. Respondent.

Mr. Jawaid Ashraf Laghari, Advocate for the applicant.

Ms. Sana Memon, APG.

Complainant Muhammad Sharif present in person.

Date of hearing and order 28.06.2018.

ORDER

IRSHAD ALI SHAH, J. It is alleged that the applicant issued a cheque worth Rs.26,50,000/- in favour of complainant Muhammad Sharif, which was bounced by the concerned Bank when it was presented there for encashment, for that the present case was registered.

2. On having been refused post-arrest bail by the learned trial Magistrate and learned Ist. Additional Sessions Judge, Sanghar, the applicant now has sought for the same from this Court by way of making the instant bail application under section 497 Cr.P.C.

3. It is contended by the learned counsel for the applicant being innocent has been involved in this case falsely by the complainant on account of his dispute with him over settlement of account, there is delay of about eight days in lodging of FIR, the offence is not falling within prohibitory clause, parties now have settled their dispute out of Court. By contending so, he sought for release of the applicant on bail on point of further inquiry.

4. Learned APG has opposed to grant of bail to the applicant by contending that the applicant has committed the offence willfully.

5. Complainant has raised no objection to grant of bail to the applicant by way of filing his affidavit, which is taken on record.
6. I have heard learned counsel for the parties and perused the record.
7. The FIR has been lodged with unexplained delay of eight days; same could not be lost sight of. It is the case, which apparently is calling for settlement of accounts. Be that as it may, the offence is not falling within prohibitory clause and the complainant Muhammad Sharif now by way of filing his affidavit has raised no objection to grant of bail to the applicant. In these circumstances, it is rightly being contended by the learned counsel for the applicant that the applicant is entitled to grant of bail, as his case is calling for further inquiry.
8. In view of above, the applicant is admitted to bail subject to his furnishing surety in the sum of Rs.100,000/- (rupees one lac) and P.R. Bond in the like amount to the satisfaction of the learned trial Court.
9. Instant bail application is disposed of in above terms.

JUDGE