

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD.
Cr.B.A.No.S- 1277 of 2019

DATE	ORDER WITH SIGNATURE OF JUDGE
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For hearing of main case.

29.11.2019.

Mr. Mohammad Sharif Sial, Advocate for applicant.
Ms. Rameshan Oad, A.P.G for the State.

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Irshad Ali Shah J;- It is alleged that the applicant issued a cheque worth rupees sixteen lac plus in favour of complainant Muhammad Pariyal dishonestly, it was bounced by the concerned Bank, when was presented for its encashment, for that the present case was registered.

2. The applicant on having been refused post arrest bail by learned 3rd Additional Sessions Judge, Shaheed Benazirabad has sought for the same from this Court by way of instant application u/s 497 Cr.P.C.

3. It is contended by learned counsel for the applicant that the applicant being innocent has been involved in this case falsely by the complainant; the FIR has been lodged with delay of about one month and the offence is not falling within prohibitory clause of section 497(2) Cr.P.C. By contending so, he prayed for release of the applicant on bail on point of further enquiry. In support of his

contention he has relied upon case of ***Riaz Jafar Natiq vs Muhammad Nadeem Dar and others (2011 SCMR 1708)***.

4. Learned A.P.G. for the State has opposed to release of applicant on bail by contending that the case is fresh one.

5. I have considered the above arguments and perused the record.

6. The FIR of the incident has been lodged by the complainant with delay of about 23 days, that too, after having a recourse u/s 22-A and 22-B Cr.P.C, such delay could not be lost sight of. The parties are already disputed over business transaction. The offence is not falling within prohibitory clause. The investigation of the case is over. There is no apprehension of tempering with the evidence on the part of applicant. In these circumstances, a case for release of the applicant on bail on point of further enquiry pending trial, obviously is made out.

7. In view of above, while relying upon the case law referred by learned counsel for the applicant the applicant is admitted to bail subject to his furnishing solvent surety in the sum Rs.100,000/- (rupees one lac) and PR bond in the like amount, to the satisfaction of the learned trial Court.

8. The instant bail application is disposed of accordingly.

JUDGE

