

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
CR. BAIL APPLICATION No.1275 of 2025

Date	Order with Signature(s) of Judge(s)
------	-------------------------------------

FOR HEARING OF BAIL APPLICATION

02.06.2025

Mr. Kashif Ali, advocate for the applicant
Mr. Qamaruddin DPG, along with the complainant in person

1. Through this Bail Application, the applicant Prthiri Raj seeks pre-arrest bail in FIR No.71 of 2025 under Sections 489-F, PPC registered at P.S. Gharo, after his pre-arrests bail plea was declined by learned Additional Sessions Judge-II Thatta vide order dated 15.05.2025.

2. It has been alleged in the FIR that both the complainant and the applicant accused are doing their respective businesses and are friends. Both of them started a monthly Committee for 20 months, @ Rs.1,25,000/- per month and the complainant paid Rs.21,00,000/- to the applicant accused for 20 months. When the committee ended and complainant demanded money from the applicant/accused, he issued a cheque No.10793858 for Rs.21,00,000/- from his account maintained at Bank Al-Habib Gharo Branch. On 10.10.2024, when the cheque was presented, the same was returned due to '*insufficient funds*', hence the FIR was lodged.

3. Learned counsel for the applicant argued that there is a delay of more than six months in lodging the FIR; that there is no proof of payment of Rs.21,00,000/- by the complainant to the applicant; that admittedly, the complaint itself reflects that the complainant was a business partner in the said monthly Committee and now he is claiming the profit amount; that the

applicant/accused has already paid substantial sums to the complainant and only minor sum remains to be paid which is yet to be determined; whereas the FIR has been lodged with ulterior motives without disclosing the above facts to humiliate and pressurize the applicant into paying more money; that the applicant is admittedly a businessman and not a previous convict and no useful purposes would be served if he is arrested and he is ready to furnish solvent surety to the entire satisfaction of the Court.

4. Conversely, the learned Deputy Prosecutor General Sindh and the complainant opposed the application for grant of bail.

5. Heard arguments and perused the record.

6. It appears to be an admitted position from the complaint that the monthly Committee was started by both the applicant and the complainant. The inordinate delay of more than six months in lodging the FIR, without any plausible explanation, creates doubts in the version of the prosecution especially when the applicant/accused claims that he has already paid substantial sums to the complainant. During course of hearing, the complainant also admitted that certain amounts have already been paid to the complainant by the applicant and according to him, that was the reason for delay of six months in lodging the FIR. It is yet to be determined as to how much amount was actually paid by the complainant to the applicant, out of which, how much amount has been returned to the complainant by the applicant, and how much remains unpaid. The presumption in favour of holder of a cheque is rebuttable and there are disputed question of facts which are yet to be thrashed out by the learned trial court after recording the evidence at the trial stage and therefore in the light of *dicta* laid down by the Supreme Court in '*Ahmed Shakeel Bhatti Vs. the State*' (2023 SCMR 1), hence a case for further inquiry is made out by the applicant, who is admittedly, a businessman and is not a previous convict. No allegation of the

applicant being a flight risk has been made and there appears no likelihood of his tempering with the prosecution evidence or witnesses, if released on bail.

7. In view of the above, the applicant is admitted to bail and the interim order dated 19.05.2025 passed by this Court is confirmed on the same terms and conditions. The instant Application, therefore, stands allowed.

8. The observations made herein are tentative in nature and shall not influence the learned trial Court while deciding the case of the applicant on merits.

J U D G E