

IN THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA

Criminal Bail Application No. S-412 of 2025

Date	Order with signature of Judge
Applicant Mir Khan Jeho son of Ali Nawaz Jeho (present on bail)	: Through Mr. Ali Raza Pathan, Advocate
The State	: Through Mr. Ali Anwar Kandhro, Addl. Prosecutor General, Sindh along with I.O/S.I Samandar Ali.
Date of Hearing	: 22.09.2025
Date of Order	: 22.09.2025

ORDER

Muhammad Saleem Jessar, J:- Through this application, applicant Mir Khan Jeho seeks his admission to pre-arrest bail in Crime No.60 of 2025 registered with Police Station Garhi Yasin, District Shikarpur, for the offences punishable to Sections 406 & 489-F PPC. The case has been challaned, which is now pending for trial before the Court of 1st Civil Judge & Judicial Magistrate, Garhi Yasin vide Crminal Case No. Nil of 2025 (re-the State Versus Mir Khan Jeho and others). The applicant filed Cr. B.A No.771 of 2025 before the Court of Sessions, which subsequently was assigned to 1st Addl. Sessions Judge/MCTC, Shikarpur, who after due notice and hearing the parties, declined the request so made vide order dated 16.07.2025; hence, instant bail application has been maintained.

2. Since the facts of the prosecution case are already mentioned in the FIR, which is annexed with the Court file, therefore, there is no need to reproduce the same.
3. Learned counsel for the applicant submits that FIR is delayed for about five months and no plausible explanation has been furnished by the

prosecution for such an inordinate delay; besides, the applicant, after furnishing surety before this Court, has also surrendered before the trial Court on 31.07.2025. In support of his contention, learned counsel has placed on record a copy of said case diary. Moreover, he submits that amount involved in this case is meagre one which is yet to be established by the prosecution after recording its evidence. He next submits that applicant used to make his signature in Sindhi, whereas, alleged cheque shown to have been issued by the applicant pertains signature in English; hence, prays for grant of bail.

4. On the other hand, learned Addl. P.G, Sindh opposes the bail application on the ground that it is a crime which increases day by day and innocents are being deceived by such mischief persons; hence, the applicant is not entitled for the bail.

5. On 01.09.2025, complainant Allah Rakhio was present and Mr. Tahir Nisar Siddiqui, Advocate filed Vakalatnama on his behalf, then it was adjourned to 22.09.2025 viz. today. Today, neither the complainant nor his counsel are in attendance, without intimation, rather they have chosen to remain absent instead of pursuing it vigilantly.

6. **Heard arguments and perused record.** Admittedly, the incident as shown, had occurred on 10.02.2025; whereas, report thereof was lodged on 20.06.2025 i.e. with delay of about five months and no plausible explanation has been furnished by the prosecution for such an inordinate delay. The delay in criminal cases has always been held by the Superior Courts to be fatal for the prosecution. In instant case, the cheque allegedly issued by the applicant is for Rs.15,00,000/- (Rupees Fifteen Lacs); however, same has been disputed by the applicant on the pretext that it was not signed by him but was missed and the complainant being fertilizer dealer was required to supply certain amount of bags of urea for which the applicant had already paid to him, but instead of making delivery of the urea bags to the applicant, he had maneuvered the signature of the applicant so as to deprive him of his amount he had already paid to him on account of purchase of the fertilizer, being a shopkeeper.

7. Since such disputed facts require evidence, which is yet to be recorded by the trial Court and then has to determine the accusation against the accused. As far as, instant case is concerned, in view of above factual position of the record, the applicant has succeeded to make out a good prima facie case for his admission to pre-arrest bail.

8. Accordingly and in view of the above, the case against applicant requires further inquiry within the meaning of subsection 2 to section 497 Cr.P.C. Consequently, instant bail application is hereby allowed; interim bail granted earlier to applicant **Mir Khan Jeho son of Ali Nawaz Jeho** on 30.07.2025 is hereby confirmed on same terms and conditions.

9. Applicant present before the Court is directed to continue his appearance before the trial Court without negligence and in case he may misuse the concession or may temper with the prosecution's evidence then the trial Court would be competent to take legal action against him as well to his surety in terms of Section 514 Cr.P.C.

10. Let copy of this Order be communicated to trial Court through learned Sessions Judge, concerned.

JUDGE