

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA
Crl. Bail Appln. No.8-387 of 2024,
ORDER WITH SIGNATURE OF HON'BLE JUDGE

DATE
OF HEARING

21.04.2025

1. For orders on office objection 'A'.
2. For hearing of bail application.

Applicant Khalid Hussain Detho is present in person (on bail).

Mr. Ali Anwar Kandhro, Addl. P. G Sindh for the State.

ORDER,

MUHAMAD SALEEM JESSAR-J Through instant bail application, applicant Khalid Hussain son of Deedar Hussain Detho, seeks pre arrest bail in Crime No.42 of 2024 registered at Police Station Bakrani, for offence punishable under section 489-F, PPC.

2. The case has been challaned which is now pending for trial before the Court of Civil Judge/JM-I Dokri vide Criminal Case No.105/2024 (Re-The State v. Khalid Detho). The applicant preferred bail plea before the Court below which by means of order dated 28.06.2024 was declined. Hence this application has been maintained.

3. The crux of prosecution case are that the applicant allegedly issued a cheque amounting to Rs.600,000/- in favour of the complainant which on presentation was dis-honored, hence the FIR was registered.

4. Applicant present submits he had not issued a cheque to the complainant as claimed; however, it was stolen away therefore he got registered N.C on 08.01.2022, besides, his account as per memo was closed on 16.03.2023 before the occurrence of incident and so also registration of FIR. He further submits that he will be negotiating with the complainant if he desires. As far as instant case is concerned, the complainant is not

appearing before the trial Court nor before this Court. Therefore, prays for confirmation of bail.

5. Learned Addl. P. G, appearing for the State after going through the file submit that the FIR is delayed for about four and half months; besides per FIR there are disputed facts which are to be resolved by way of evidence hence the case requires further enquiry and in such circumstances, he has no objection for confirmation of bail.

6. Heard and perused the record.

7. Admittedly, the incident is said to have taken place on 01.02.2024, whereas FIR thereof was lodged on 14.06.2024 i.e. with the delay of about four and half months. Though the distance between Police Station and place of occurrence is only one kilometer but no plausible explanation has been furnished by the prosecution for such an inordinate delay. The FIR of a criminal case mentioning the name of the accused, if not found promptly lodged shall not have much sanctity. The delay in criminal cases has always been deprecated by the superior courts and has held to be fatal for the prosecution. The case is being tried by a Judicial Magistrate and in such event, the sentence for more than three years cannot be visualized.

Reliance can be had from the case of *Manzoor Ali alias Mumtaz v. The State (2001 P.Cr.L.J 344)*.

8. In the circumstances and in view of above factual position on record, the basic ingredients for grant of pre arrest bail as has been laid down by learned apex Court in case of *Rana Muhammad Arshad v. Muhammad Rafique and another (PLD 2009 SC 427)* are fully applicable and attracted in this case. The upshot of the above discussion is the applicant has made out a good *prima facie* case for his admission to pre arrest bail. Consequently, the bail application is hereby allowed. Interim bail granted to the applicant on

08.07.2024 is hereby confirmed on the same terms and conditions. The applicant present is directed to continue his appearance before the trial court till final decision of the case.

9. Needless to mention here that the observations made hereinabove are tentative in nature, which shall not prejudice the case of either party at trial.

M Yousuf Panhwar/**

Application v. ① No Matter

- ① For Orders on M.A No. 3480/25 (01A)
- ② Rx Orders on M.A No. 3481/25 (E1A)
- ③ Rx Orders on M.A No. 3482/25 (561-A)

- Accountant Report as flag "B".