

IN THE HIGH COURT OF SINDH, KARACHI

Criminal Bail No.1349 of 2017

DATED: ORDER WITH SIGNATURE OF JUDGE.

1. For orders on office objection at "A".
 2. For hearing of bail application.
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11.12.2017

Mr. Tahir Rahim, Advocate for the Applicant.
Ms. Raana, Advocate for the Complainant a/w Complainant.
Ms. Rahat Ehsan, Additional P.G.

Mrs. Ashraf Jahan, J.:- Applicant Hameed Akhtar has moved this application for grant of bail in F.I.R. No.28/2017, lodged at P.S. Madina Colony, Karachi under sections 420, 489-F/34 P.P.C.

The facts giving rise to the present bail application as per F.I.R. are that Complainant is the owner of company (M/s. A.J. Enterprises) and two years ago he had supplied solvent oil on credit to Momin Khan, Akhtar, Anwar Zaib, Gulfaraz and Hameed Akhtar and as per practice they used to pay the amount subsequently; in sequence to above transaction they had issued a cheque bearing No.6389563 amounting to Rs.200,00,000/- drawn at Habib Bank Limited, Saeedabad Branch, Karachi as surety. In the meantime an amount of Rs.1,58,00,000/- became outstanding but they were not returning the same, which compelled him to deposit the cheque, which was earlier given to him, but the above cheque was dishonoured due to non-availability of amount, he contacted the named above accused nominated in F.I.R., but they avoided to make the payment, hence F.I.R. was lodged.

It is contended by learned counsel for the Applicant that there is delay of nine months in lodging F.I.R. The co-accused have already been granted bail by the trial Court and such orders are annexed with this bail

application. Even otherwise both the parties have patched up outside the Court. Therefore, while applying the rule of consistency also, the present applicant is entitled for concession of bail.

Learned counsel appearing for the Complainant has extended her no objection to the grant of bail to the present Applicant. Same is the view of learned Additional Prosecutor General.

In view of above position, when there is delay of nine months in lodging the F.I.R.; further the co-accused are already on bail, the present Applicant is granted bail subject to furnishing solvent surety in the sum of Rs.100,000/- (Rupees one hundred thousand only) and P.R.Bond in the like amount to the satisfaction of the trial Court.

Judge

Manzoor