

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT,
HYDERABAD

Criminal Bail Application No.S-1202 of 2020

| DATE | ORDER WITH SIGNATURE OF JUDGE |
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1. For orders on office objections.
2. For hearing of main case.

12.01.2021.

Mr. Muhammad Saleem Hashmi Qureshi, Advocate along with applicant.

Ms. Sobia Bhatti, A.P.G for State.

Mr. Gada Hussain Dahani, Advocate for complainant.

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Irshad Ali Shah J.- It is alleged that the applicant issued cheques dishonestly, those were bounced, when were presented before the concerned Bank for encashment by complainant Muhammad Salman, for that the present case was registered

2. The applicant on having been refused pre-arrest bail by learned IXth-Additional Sessions Judge, Hyderabad has sought for the same from this Court by way of instant application under section 498 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 in order to satisfy his dispute with him over settlement of account; the FIR has been lodged with delay of more than one month and offence alleged against the applicant is not falling within prohibitory clause of section 497(2) Cr.P.C. By contending so, he sought for pre-arrest bail for the applicant on point of further enquiry and malafide.

4. Learned Assistant Prosecutor General, for the State and learned counsel for the complainant have opposed to grant of pre-arrest bail to the applicant by contending that he has deprived the complainant of his money by practicing fraud.

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

6. The FIR of the incident has been lodged with delay of more than one month; such delay having not been explained plausibly could not be overlooked. The offence alleged against the applicant is not falling within prohibitory clause of section 497(2) Cr.P.C. There appears to be dispute between the parties over settlement of account. The case against the applicant has finally been challaned and he has joined the Trial. In these circumstances, a case for grant of bail to the applicant on point of further inquiry and malafide is made out.

7. In view of above, the interim pre-arrest bail already granted to the applicant is confirmed on same terms and conditions.

8. The instant bail application is disposed of accordingly.

JUDGE

