

IN THE HIGH COURT OF SINDH, AT KARACHI
Cr. Bail Application No. 2106 of 2021

Applicant : Muhammad Tauseef s/o Abdul Razzaq,
through Mr. Muhammad Arshad Mughal,
advocate

Respondent : The State, through Mr. Talib Ali Memon,
A.P.G. alongwith SIP Asghar Ali Cheema,
I.O.

Complainant : Muhammad Asif (*nemo*)

Date of hearing : 28.01.2022
Date of order : 28.01.2022

ORDER

ZAFAR AHMED RAJPUT, J:- Through instant Cr. Bail Application, applicant/accused Muhammad Tauseef s/o. Abdul Razzaq seeks pre-arrest bail in Crime No. 433 of 2021 registered under Section 489-F, P.P.C. at P.S. Kharadar, Karachi. His earlier application for the same relief bearing No. 4081 of 2021 was heard and dismissed by the learned Xth Additional Sessions Judge, Karachi-South, vide order dated 6th November, 2021. He was admitted to interim bail by this Court vide order dated 10th November, 2021. Now the matter is fixed for confirmation or otherwise.

2. It is alleged that, on 14.04.2021, one Muhammad Taufeeq, being proprietor of "Moon International" issued a cheque to the complainant amounting to Rs.1,970,000.00 , which was dishonoured by the bank on being presented. Applicant is one of the proprietors of the said firm.

3. It is contended by the learned counsel that the applicant is innocent and has been falsely implicated in this case; that the applicant has nothing to do with the issuance of alleged cheque, which was issued by Muhammad Taufeeq and the applicant has already dissolved his partnership with said Muhammad Taufeeq; that the applicant is ready to furnish surety equivalent to the amount of alleged cheque for confirmation of interim bail.

4. Learned A.P.G. records his no objection for the grant of this application provided the applicant furnishes additional surety equal to the alleged cheque amount.

5. Heard the learned counsel for the applicant, Assistant Prosecutor General and also perused the material available on record.

6. It is an admitted position that the alleged cheque of "*Moon International*" has been issued by one Muhammad Taufeeq being proprietor of the said firm, regarding that applicant claims that when it was issued he was no more partner of the said firm; however, no document has been produced by the applicant to establish that he had already dissolved his partnership with said Muhammad Taufeeq before issuance of the alleged cheque. The offence under section 489-F, P.P.C. is though non-bailable but does not fall within the prohibitory clause of section 497 Cr.P.C. The interest of the complainant would be secured if the surety amount is enhanced equivalent to the amount of alleged cheque; hence, the interim bail already granted to the applicant is confirmed subject to his furnishing additional surety for an amount of Rs.1,920,000.00 with the Nazir of this Court within two weeks hereof. In case the applicant fails to furnish additional surety within the stipulated period, this Cr. Bail Application shall automatically stands dismissed.

Cr. Bail Application stands disposed of.

JUDGE