

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI

Criminal Bail Application No.2374 of 2021

Applicant : Syed Muhammad Danish Shahab
s/o. Syed Muhammad Shahabuddin,
through Mr. Riaz Hussain, Advocate

Respondent : The State, through Ms. Rahat Ehsan,
Addl. P.G.

Complainant : Faisal Haq, through Mr. Muhammad
Naeem Memon, Advocate

Date of hearing : 15.02.2022
Date of order : 15.02.2022

ORDER

ZAFAR AHMED RAJPUT, J:- Through instant criminal bail application, applicant/accused Syed Muhammad Danish Shahab s/o. Syed Muhammad Shahabuddin seeks post-arrest bail in Crime No. 267/2019, registered at P.S. Darakhshan, Karachi under Section 489-F/420/34, P.P.C. His earlier application for the same relief bearing No.4203/2021 was dismissed by the learned Additional Sessions Judge-III, Karachi-South vide order, dated 19.11.2021.

2. As per F.I.R., the allegation against the applicant is that he issued a post-dated cheque in favour of complainant amounting to Rs.12,19,000/- which was dishonored on 05.12.2018 on being presented in bank for encashment.

3. Learned counsel for the applicant/accused contends that applicant is innocent and has falsely been implicated in this case; that the complainant had business relations with the applicant who issued guarantee cheques of his company in favour of complainant

but after closing the business relationship, the complainant did not return back said cheques to applicant despite his requests and later the complainant malafidely misused the same and involved the applicant with the commission of alleged offence by lodging a false F.I.R.

4. On the other hand, learned counsel for the complainant as well as Additional Prosecutor General have opposed the grant of bail to applicant on the ground that the alleged cheque pertains to the company account of the applicant and the same was dishonored due to insufficient fund in the account; that the applicant dishonestly issued the subject cheque knowingly it would be dishonored on being presented in bank for want of sufficient fund.

5. Heard the learned counsel for the applicant, complainant as well as Additional Prosecutor General and perused the material available on record.

6. As per F.I.R. the complainant invested Rs.50,00,000/- in applicant's company and besides the applicant, Syed Muhammad Hammad and Rabia Farooq are also owner of the company. Hence, it is an admitted position on the part of complainant that he had business relationship with the applicant; therefore, issuance of subject cheque with dishonest intention is to be looked by the trial Court after recording pro and contra evidence of the parties. The alleged offence under section 489-F, P.P.C. does not fall within the prohibitory clause of section 497, Cr.P.C. It may be observed that the applicant was arrested on 05.02.2021 and since then he is confined in judicial custody. Police has submitted challan against him and his custody is no more required for further investigation. It also appears that even after passing of one year the trial Court could

not conclude the trial. In such circumstances, keeping the applicant behind the bar till indefinite period is not likely to serve any useful purpose. Hence, the instant bail application is allowed and the applicant is admitted to post-arrest bail subject to his furnishing solvent surety in the sum of Rs.2,00,000/- and P.R. bond in the like amount to the satisfaction of trial Court.

CrI. Bail application stands disposed of.

JUDGE

Abrar