

**IN THE HIGH COURT OF SINDH, AT KARACHI**  
**Cr. Bail Application No. 2143 of 2021**

Applicants : Ali Asghar s/o. Muhammad Ashraf, through  
Mr. Umer Farooq, advocate

Respondent : The State, through Mr. Faheem Hussain Panhwar  
D.P.G. (*alongwith complainant Jibrannuddin*)  
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Date of hearing : 09.03.2022  
Date of order : 09.03.2022  
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**ORDER**

**ZAFAR AHMED RAJPUT, J:-** Through instant Cr. Bail Application applicant/accused Ali Asghar s/o. Muhammad Ashraf has sought pre-arrest bail in Crime No. 168 of 2021 registered under section 489-F, P.P.C. at P.S. Shah Faisal Colony, Karachi. His earlier bail application for the same relief bearing No. 4788 of 2021 was dismissed by the learned Additional Sessions Judge-III, Karachi-East vide order, dated 12.10. 2021. He was admitted to interim pre-arrest bail by this Court vide order, dated 18.11.2021, now the matter is fixed for confirmation of interim bail or otherwise.

2. It is alleged that, on 18.02.2021, the applicant issued a cheque to the complainant amounting to Rs.500,000.00, which was dishonoured by the bank on being presented, for which aforementioned F.I.R. was recorded.

3. Heard learned counsel for the parties and perused the material available on record.

4. It is case of the complainant that he deals in generators and the applicant, who owns a company, namely, "D-G-B Enterprises" received an amount of Rs. 35,00,000/- from him but he failed to supply goods to him and on his demand he issued the alleged cheque, and on the other hand, it is claim of the applicant, as argued by the learned counsel for the applicant, that he had given the alleged cheque to the brother of the complainant for the purpose of investment in his business and the same was misused. It is; however, an admitted position that the alleged cheque bears the date as 01.12.2019 however, the same was presented before the bank for encashment on

18.02.2020, which is beyond the prescribed period of six months for presenting a cheque as per Negotiable Instrument Act, 1881; as such, the same has become stale/out of date cheque. Prima facie, the complainant presented the alleged cheque despite knowing the fact that same would be dishonoured only in order to implicate the applicant in the instant case. The alleged offence does not fall within the prohibitory clause of section 497 Cr.P.C. and the dishonest intention of the applicant for issuing alleged cheque is to be looked by the trial Court after recording pro and contra evidence of the parties.

5. For the foregoing facts and reasons, the interim bail already granted to the applicant vide order, dated 18.11.2021, is confirmed on the same terms and conditions.

Cr. Bail Application stands disposed of.

JUDGE

Athar Zai