

**IN THE HIGH COURT OF SINDH, AT KARACHI**  
**Cr. Bail Application No. 51 of 2022**

Applicants : Asif Raza s/o. Lal Din, through  
Mr. Abdul Samad Khattak, advocate

Respondent : The State, through Ms. Seema Zaidi, D.P.G.

Complainant : Nasim Robin s/o. Suba Stanley, through  
Mr. Fahim A. Siddiqui.

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Date of hearing : 18.04.2022

Date of order : 18.04.2022

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**ORDER**

**ZAFAR AHMED RAJPUT, J:-** Through instant Cr. Bail Application applicant/accused Asif Raza s/o. Lal Din seeks pre-arrest bail in Crime No. 1019 of 2021 registered under section 489-F, P.P.C. at P.S. Ferozabad, Karachi. His earlier bail application for the same relief bearing No. 6305 of 2021 was dismissed by the learned Additional Sessions Judge-IV, Karachi-East vide order, dated 10.01.2022. He was admitted to interim pre-arrest bail by this Court vide order, dated 12.01.2022, now the matter is fixed for confirmation of interim bail or otherwise.

2. It is alleged that, on 02.11.2021, the applicant issued twelve cheques to the complainant amounting to Rs.6,000,000.00, which were 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 steel/iron and the applicant, who deals in property purchased iron amounting to Rs.6,000,000.00 for which he issued alleged twelve cheques, each amounting to Rs. 500,000.00, to the complainant, which were dishonored by the bank on presentation. However, it reflects from Indemnity/Promissory Note, dated 24.06.2016, submitted by the learned counsel for the applicant alongwith statement dated 23.02.2022 as well as learned counsel for the complainant with objections to the bail application, that the said cheques were undated and handed

over to the complainant at the time of execution of said Indemnity /Promissory Note, in the year 2016, whereupon date of 02.11.2021 was mentioned later on. It is an admitted position that the alleged cheques were not dishonoured due to insufficient balance in the account of applicant but due to difference of drawer signature on the cheque than the signature maintained at the bank of drawer. It further appears that as per bank statement, filed by the applicant, some considerable amount was lying in his account in the years 2016 which was sufficient to honour some of the cheques issued by him, but the complainant waited for about five years and then presented the cheques for encashment; hence, it is yet to be determined if there was any element of dishonest intention on the part of the applicant in issuance of alleged cheques 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 12.01.2022, is confirmed on the same terms and conditions.

Cr. Bail Application stands disposed of.

JUDGE

Athar Zai