

ORDER SHEET

IN THE HIGH COURT OF SINDH, KARACHI

Criminal Bail Application No. 1112 of 2022

(Abdul Rehman Gandaro vs. The State)

DATE

ORDER WITH SIGNATURE OF JUDGE

For hearing of bail application

14.07.2022

Syed Saleha Anwar advocate for the applicant

Mr. Zahoor Shah Addl. P.G

Mr. Dileep Kumar advocate along with complainant

IRSHAD ALI SHAH, J.- It is alleged that the applicant had issued cheques in favour of complainant Muhammad Saeed Khan dishonestly those were bounced by the concerned Banks, when were presented there for encashment.

On having been refused pre-arrest bail by learned Additional Sessions Judge-II, Karachi West, the applicant has sought for the same from this Court by way of instant application under section 498-A Cr.P.C.

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 business deal with him; the civil litigation between the parties is pending adjudication before the Civil Court having jurisdiction; the offence alleged against the applicant is not falling within the prohibitory clause, therefore, the applicant is entitled to be admitted to pre-arrest bail on the point of malafide.

Learned counsel for the complainant and learned Addl. P.G for the state have opposed to grant of pre-arrest bail to the applicant by contending that he has committed the financial death of the complainant by issuing fake cheques in his favour dishonestly.

Heard arguments and perused the record.

The FIR of the incident has been lodged with delay of about eight months, such delay having not been explained plausibly could not be overlooked; the offence alleged against applicant is not falling within prohibitory clause; the parties obviously are disputed over settlement of their business transaction; the case has finally been challaned and there is no allegation of misusing the concession of bail on the part of applicant. In these circumstances, a case for grant of pre-arrest bail in favour of the applicant on point of malafide obviously is made out.

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

The instant bail application is disposed of accordingly.

JUDGE