

ORDER SHEET

IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR

Cr. Bail. Appln. No.S- 92 of 2021

For hearing of bail application

1. For orders on office objection at flag 'A'
2. For hearing of bail application

15.03.2021

Mr. Nauman Fareed Shaikh Advocate for the Applicant
Mr. Manzoor Hussain Mahessar, Advocate for complainant
Mr. Shafi Muhammad Mahar, DPG for the State

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Aftab Ahmed Gorar, J;- Through instant Criminal Bail Application, the applicant/accused Anwar Ali S/o Ghulam Rasool Chandio, seeks grant of pre-arrest bail in case arising out of Crime No.94/2020 of Police Station Pir Jo Goth for offences under Sections 489-F and 420 PPC.

2. It is alleged that there was friendship in between the complainant Muhammad Sharif and the present applicant Anwar Ali. The applicant borrowed Rs.21,55,000.00 from the complainant on the pretext that he will do the business of dates and then return the amount, but latter on did not return the amount and on the approaches of the complainant he issued cheque # 180697634 of Rs.21,55,000.00 of National Bank of Pakistan, Pir-jo-Goth, which on presentation before the concerned Bank was dishonoured, hence on second approach when apprised of the facts regarding the dishonor of the cheque, the

applicant issued threats to the applicant and refused to pay the amount, hence he was booked and challaned accordingly.

3. The applicant in the first instance was admitted to interim pre-arrest bail vide order dated 09.11.2020, which was subsequently recalled by learned Incharge Additional Sessions Judge-II, Khairpur vide order dated 30.01.2021, hence the applicant has sought for the same relief from this Court by way of instant bail application.

4. It is contended by learned counsel for the applicant that applicant being innocent has been involved in this case falsely; that now the complainant Muhammad Sharif has filed his affidavit in favour of the applicant, which makes the case of applicant one of further inquiry. He lastly prayed that the interim pre-arrest bail granted to the applicant/accused may be confirmed on same terms and conditions.

5. Learned DPG for the State and learned counsel for the complainant have recorded no objection to grant of pre-arrest bail to the applicant by contending that the parties have settled their dispute outside of the Court; the complainant Muhammad Sharif has filed his affidavit, whereby he has recorded no objection to grant of pre-arrest bail to the applicant.

6. I have heard the learned counsel for the applicant/accused, learned counsel for the complainant as well as DPG for the State and perused the record. Admittedly there is delay of about (09) nine

months in lodgment of the FIR; such delay being un-plausible could not be overlooked. Complainant Muhammad Sharif now by filing his affidavit has recorded no objection to grant of pre-arrest bail to the applicant. In these circumstances, it is rightly being contended by learned counsel for the applicant that the applicant is entitled to be admitted to pre-arrest bail on point of further enquiry.

7. In view of above, the interim pre-arrest bail granted to the applicant is hereby confirmed on same terms and conditions. The applicant is directed to attend the trial Court.

8. Instant Cr. Bail Application is disposed of in above terms.

Judge

ARBROHI