ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
Crl. Bail Application No. 101 of 2021.

Date | Order with signature of Judge

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

26th February 2021

Mr. Zia Ahmed Awan, advocate for applicant/accused.
Mr. Hussain Bux Baloch, Addl. P.G. Sindh alongwith ASI Noorullah Sanjrani P.S. Gulistan-e-Jauhar.

Mr. Ilahi Baksh, advocate for complainant.

Heard learned counsel for the respective parties.

2. It is a matter of record that complainant, who was serving in police department, claims that he visited the applicant/accused on his Real Estate Agency and there was an agreement with regard to house; applicant/accused committed fraud, though he issued cheques but the same were dishonoured, whereas applicant's plea is that complainant has remained partner and he was investing huge amount in the sale purchase of Real Estate through applicant/accused, hence, the alleged story that he has received the amount is false and concocted. In support of his plea applicant's counsel has submitted newspaper wherein advertisement has been flashed with regard to sell of one bungalow wherein proprietor is complainant.

3. Needless to mention that under section 489-F PPC, the maximum punishment is three years which is not falling within prohibitory clause in view *Tariq Bashir v. State* (PLD 1995 Supreme Court 34), however, bail can be declined if there is repetition of offence. Here case of applicant is also on different footing as applicant and complainant both were doing real estate business, hence, this is a case of further inquiry. The case law relied upon by the learned counsel for the complainant is not helpful. Accordingly, applicant/accused is admitted to post arrest bail subject to his furnishing solvent surety in the sum of Rs.100,000/- and P.R. bond in the like amount to the satisfaction of the trial Court.

Bail application stands disposed of in the above terms.

J U D G E

SAJID