

**THE HIGH COURT OF SINDH, CIRCUIT COURT,
HYDERABAD**

Criminal Bail Application No.S-1077 of 2022.

DATE	ORDER WITH SIGNATURE OF JUDGE
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For orders on office objection.

For hearing of main case.

28.10.2022.

Ms. Urooj Khan advocate for the applicant.

Ms. Rameshan Oad, Assistant Prosecutor General, Sindh.

Applicant is present on ad-interim pre-arrest bail.

Complainant is present in person.

ORDER

MUHAMMAD IQBAL KALHORO, J:- Complainant is proprietor of M/s Bilal Enterprises whereas applicant is alleged to be proprietor of M/s Ali Enterprises. As per contents of FIR, they both were friends and on account of some emergency during Covid-19 complainant purchased applicant several articles; batteries, stationary, Covid-19 kits, hospital beds etc. worth Rs.17 lacs against which the latter issued him three cheques of the same amount which on presentation were dishonored.

As per complainant who is present in person, applicant was claiming to be an officer of Military Intelligence (MI) and he had purchased him said articles on his assertion that he would provide the said articles to his department. Learned defence counsel has argued that earlier PW of this case namely Mansoor Ali had registered identical FIR against applicant bearing Crime No.24/2021 at PS Cantt Hyderabad in which he has been acquitted by learned Civil Judge & Judicial Magistrate-I/ Model Trial Magistrate Court-II Hyderabad vide judgment dated 23.11.2021. In that case present complainant was a witness, whereas in the present case he has become complainant and complainant has become PW. There is delay of about two years in registration of FIR. The complainant and said PW had allegedly entered the house of applicant. Learned defence counsel has also produced a video CD with various photographs derived from it showing that complainant and PW had entered house of applicant

and taken away various articles including cheque books which they have misused.

Learned APG has opposed bail so also complainant. There is however delay of almost two years in registration of FIR. Prima facie, it appears that complainant and PW Mansoor Ali have been transposing their position in the cases against applicant as earlier identical FIR was registered against him by witness of this case in which he has been acquitted. Therefore, his false implication in the present case cannot be ruled out. In the judgment submitted today in previous case, it has been observed that the complainant and PW had taken away articles from house of applicant, therefore, misuse of cheque by them cannot be ruled out either. Accordingly, this bail application is allowed and ad-interim pre-arrest bail granted to the applicant vide order 14.10.2022 is hereby confirmed on the same terms and conditions.

The observations made hereinabove are tentative in nature and shall not influence the trial court while deciding the case on merits.

JUDGE