

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

Criminal Bail Application No.S-999 of 2022.

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

For hearing of main case.

31.10.2022.

Syed Shahzad Hyder Shah advocate for applicant.

Ms. Rameshan Oad, Assistant Prosecutor General, Sindh.

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

ORDER

MUHAMMAD IQBAL KALHORO, J:- Complainant is owner of a showroom. He has alleged in FIR that he had sold a Mehran Car bearing Registration No.BLS-734, model 2018 to applicant against sum of Rs. 950,000/-. He paid him Rs.60,000/- in advance and issued a cheque of remaining amount of Rs.890,000/- which on presentation was dishonored, hence, this FIR. Learned defence counsel submits that applicant is innocent and has been falsely implicate in this case. There is no documentary evidence to show that any such transaction had taken place between the parties. Learned APG has opposed bail to the applicant but has admitted that no evidence to show transaction between the parties as alleged took place. Even in the investigation it has not been found out that who is in possession of car.

I have considered submissions and perused record. The case against applicant appears to be of further inquiry. There is delay of about 17 months in registration of FIR, not properly explained, besides there is no prima facie evidence in documents to show sale of car to the applicant by complainant. Investigation Officer has not properly investigated the matter and has not succeeded to find out as to who is in possession of car presently, therefore, malafide on the part of complainant cannot be ruled out. Accordingly, this bail application is allowed and ad-interim pre-arrest bail granted to the applicant vide order 23.09.2022 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

Irfan Ali