

IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR

Crl: Bail Appln. No. S – 352 of 2022

Date

Order with Signature of Hon'ble Judge

For hearing of bail application

23.01.2023

Mr. Faiz Muhammad Brohi, Advocate for Applicant
Syed Sardar Ali Shah Rizvi, Additional PG for the State

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ORDER
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ZAFAR AHMED RAJPUT, J- Through instant Criminal Bail Application, the applicant, namely, Ghulam Yaseen S/o Mawali, Gadani, seeks pre-arrest bail in Crime No.35 of 2022 registered at Police Station, Khanpur Mahar, District Ghotki, under Section 489-F, PPC. His earlier application for the same relief bearing No.826/2022 was heard and dismissed by learned 1st. Additional Sessions Judge (MCTC) Ghotki vide order dated 18.06.2022. The applicant was admitted to interim pre-arrest bail by this Court vide order dated 22.07.2022.

It is alleged that on 23.02.2022 applicant issued a cheque in favour of complainant Rajesh Kumar amounting to Rs.3,80,000/- being the amount of purchasing of Urea and Pesticides from complainant, which on being presented before the concerned Bank was dishonoured.

Heard learned counsel for the applicant as well as learned Additional PG for the State and perused the material available on record.

It is an admitted position that the alleged cheque has been issued by the applicant in respect of business transaction. The alleged offence does not falls within the prohibitory clause of Section 497 Cr.P.C being punishable

for 03 years imprisonment. The basic rule in such like cases is bail not jail. It is also an admitted position that the applicant has not misused the concession of pre-arrest bail granted to him by this Court. Accordingly, the interim pre-arrest bail granted to the applicant vide order dated 22.07.2022 is hereby confirmed on same terms and conditions. The applicant is directed to attend the trial Court regularly.

The bail application stands disposed of in the above terms.

Judge

ARBROHI