

**IN THE HIGH COURT OF SINDH,
BENCH AT SUKKUR**

Cr. Bail Appln. No. S – 24 of 2023

Date

Order with Signature of Hon'ble Judge

Hearing of bail application

1. For orders on Office objection at Flag 'A'
2. For hearing of bail application

30.01.2023

Mr. Ghulam Shabbir Bhutto, Advocate along with applicant
Mr. Shafi Muhammad Mahar, Deputy Prosecutor General for the State
Complainant Bahram Khan is present in person

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ORDER
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ZAFAR AHMED RAJPUT, J- Through instant Criminal Bail Application, the applicant, namely, Syed Manthar Shah S/o Syed Aijaz Shah, seeks pre-arrest bail in Crime No.157 of 2021 registered at Police Station, Kot Diji, District Khairpur, under Section 489-F, 506/2 PPC. His earlier application for the same relief bearing No.3717/2021 was heard and dismissed by learned 1st. Additional Sessions Judge (MCTC) Khairpur vide order dated 15.01.2022. The applicant was admitted to interim pre-arrest bail by this Court vide order dated 11.01.2023.

2. As per FIR, the applicant issued two cheques bearing No.00010147 of Account No.0000737935515855 dated 10.03.2021 of Rs.700000/- and 00010146 of Account No.0000737935515855 dated 05.07.2021 of Rs.8,50,000/- in favour of complainant being the part payment for purchasing a Datsun vehicle for Rupees twenty lacs, which were dishonoured on being presented before the concerned Bank.

3. Heard learned counsel for the applicant as well as learned Additional PG for the State, complainant who is present before this Court in person and perused the material available on record.

4. It is an admitted position that the Datsun vehicle has been returned to complainant by the applicant and suit for settlement of accounts bearing No. Nil of 2021 is pending adjudication before IV-Senior Civil Judge, Karachi (South) between the parties. The alleged offence does not fall 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. Even otherwise, no purpose shall be served in case the applicant is kept behind the bars by rejecting his pre-arrest bail application. It is also an admitted position that the applicant has not misused the concession of pre-arrest bail granted to him by this Court.

5. In view of the above, the interim pre-arrest bail granted to the applicant vide order dated 11.01.2023 is hereby confirmed on same terms and conditions. The applicant is directed to attend the trial Court regularly.

6. The bail application stands **disposed of** in the above terms.

Judge

ARBROHI