

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD
Criminal Bail Application No.S-728 of 2022

<u>DATE</u>	<u>ORDER WITH SIGNATURE OF JUDGE</u>
-------------	--------------------------------------

05.09.2022

Mr. Mazhar Ali Laghari advocate for applicant along with applicant on ad-interim pre-arrest bail.

Mr. Shahabuddin Shah advocate for complainant along with complainant.

Mr. Fayaz Hussain Sabki, APG.

-.-.-

MUHAMMAD IQBAL KALHORO, J.- Applicant allegedly obtained Rs.20, 50,000/- from complainant in presence of witnesses for investment in business undertaking to return the same in six months but instead issued him a Cheque No.1633995714 of MCB Bank Tando Adam which on presentation was dishonored. The case was registered against applicant and his pre-arrest bail has been dismissed by the trial court. The detail of investigation in the Challan shows that applicant did not join the same despite best efforts of IO to locate him and consequently the interim Challan was submitted showing him absconder. But subsequently he got ad-interim pre-arrest bail, intimidated the police and final Challan was submitted.

2. Learned defense counsel has pleaded innocence of applicant stating that against maternal uncle of applicant so many FIRs have been registered by the complainant party; he has a dispute with his maternal uncle who has misused the cheque of applicant and there is a delay of one month in registration of FIR.

3. On the other hand, complainant's counsel and learned Assistant PG have opposed bail stating that applicant belongs to a gang which deceives innocent persons of their valuable belongings and issue the cheques, never honored, and hence FIRs have been registered not by the complainant but by other persons.

4. There is a prima facie evidence against applicant in the shape of 161 CrPC statements of witnesses confirming extension of loan of the said amount by the complainant to the applicant. The cheque and his signature thereon have not been disputed by the applicant. The ground of being involved in this case falsely in the face of prima facie evidence against the applicant does not seem to

be attracted, as is reflected from the investigation in which necessary documents connecting applicant have been collected. The maternal uncle misusing cheque of applicant against him is not borne out of record. No case for extraordinary concession of pre-arrest bail is made out. Relief of pre-arrest bail is extraordinary and meant to protect innocent people from humiliation of arrest in a non-bailable offence, which otherwise requires arrest of the accused, in which he has been implicated by the complainant out of *mala fide* and *ulterior motives*. There is no material to show that in the present case applicant has been implicated out of *mala fide* and *ulterior motives*.

5. In view of above, I do not find the applicant entitled to extraordinary concession of pre-arrest bail and dismiss his pre-arrest bail application. Resultantly, ad-interim pre-arrest bail earlier granted to the applicant vide order dated 07.07.2022 is hereby recalled.

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

JUDGE