

ORDER SHEET

IN THE HIGH COURT OF SINDH, CIRCUIT COURT HYDERABAD

Cr. Bail Application No.S-571 of 2021

DATE	ORDER WITH SIGNATURE OF JUDGE(S)
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1. For orders on office objections.
2. For hearing of main case.

29.10.2021.

Mr. Ayazuddin Samoo, Advocate for applicant alongwith applicant.

Mr. Mir Qadir Bux Talpur, Advocate for complainant alongwith complainant.

Ms. Sobia Bhatti, Assistant P.G.

ORDER

MUHAMMAD IQBAL KALHORO, - Complainant and applicant both are stated to be businessmen. Applicant issued a cheque of Rs.1500,000/- to complainant against cost of cotton and chillies which he purchased from him. The cheque was presented in the Bank but was dishonored.

2. Learned Counsel for applicant although has defended him and has pleaded for grant of pre-arrest bail to him but has not been able to controvert existence of business transactions between the parties, nor issuance of cheque by applicant to complainant. However, he submits that the cheque was given as security in the year 2008, but has not been explained as to against what security it was given. In the police file, learned Assistant Prosecutor General has pointed out, are the papers showing subject transaction between the parties. She and Counsel for the complainant have opposed grant of pre-arrest bail to the applicant.

3. F.I.R shows that cheque was given by applicant to the complainant in presence of two witnesses, who in their 161 Cr.P.C statements have supported the case. The papers of business transaction are available, negate prima facie the story of applicant that the cheque was given as a security. In presence of documentary and oral evidence as above, I am of the view that applicant is not entitled to concession of pre-arrest bail. Accordingly, this application is dismissed and ad-interim pre-arrest bail already granted to the applicant by order dated 14.07.2021 is hereby recalled.

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

JUDGE

Shahid