

ORDER SHEET  
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD  
Criminal Bail Application No.S-825 of 2022

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<u>DATE</u>	<u>ORDER WITH SIGNATURE OF JUDGE</u>
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03.10.2022

Mr. Faisal Nadeem Abro advocate for applicant along with applicant on ad-interim pre-arrest.

Complainant present in person.

Ms. Sana Memon, Assistant Prosecutor General.

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**MUHAMMAD IQBAL KALHORO, J.-** Complainant in FIR has alleged that he and his brothers had sold an ancestral property in Afandi Town Hyderabad and then approached applicant, a State Agent, for purchase of a house and from time to time gave him money amounting to Rs.82,00,000/- (eighty two lacs). He would show them different houses to satisfy that he was making efforts for getting them a house. But, when complainant found that applicant was only keeping them on false hopes, he demanded his money back and after a lot of persuasion the applicant issued two cheques amounting to Rs.11,00,000/-, out of which he presented a cheque of Rs.6,00,000/- in the bank and it was dishonored. He again approached applicant for seeking his money back but he issued him threats. Finally, he appeared at Police Station and registered this FIR.

2. Learned defense counsel has submitted that there is a delay of more than 2½ years and story narrated by the applicant is unbelievable.

3. Complainant is present and has narrated the whole story as to how he was defrauded by the applicant, who initially had executed a general power of attorney of a house as security of the amount given to him but finally it was found that he had sold that house to somebody else, and that the power of attorney was a smokescreen.

4. Learned Assistant PG has opposed bail to applicant stating that sufficient material is available in police papers containing schedule of payments given by complainant to the applicant. She

further submits this is not the case of merely dishonourment of a cheque but deceiving the complainant of his property u/s 420 PPC, among others.

5. I have considered submissions of parties and perused material available on record. There is prima facie sufficient material against applicant in the form of a dishonored cheque and a document showing payments made by the complainant to the applicant which learned defense counsel has failed to justify. The applicant is a property dealer and his receiving the amount from the complainant prima facie does not seem to be disputed by him. Mere delay in such matters is not material to overrule absence of malafide on the part of complainant to implicate the applicant, a necessary condition, which has to be weighed along with merits of the case. No case for grant of pre-arrest bail is made out.

6. Accordingly, this application is dismissed and applicant's ad-interim pre-arrest bail granted to him vide order dated 05.08.2022 is hereby recalled.

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

JUDGE