

**THE HIGH COURT OF SINDH, CIRCUIT COURT,
HYDERABAD**

Criminal Bail Application No.S-1037 of 2022.

DATE	ORDER WITH SIGNATURE OF JUDGE
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For orders on office objection.

For hearing of main case.

14.10.2022.

Mr. Rashid Raees advocate for the applicant.

Ms. Sana Memon, Assistant Prosecutor General, Sindh.

Complainant is present in person.

Applicant is present on ad-interim pre-arrest bail.

ORDER

MUHAMMAD IQBAL KALHORO, J:- Applicant, stated to be a property dealer, launched a housing scheme namely Sania Housing Society near Sabzi Mandi Hyderabad. Complainant booked two plots bearing No.21/A and No.A/33, admeasuring 120 yards each in his scheme and paid him Rs.1,000,000/- through a cheque and Rs.320,000/- through installments. Thereafter, neither he was given possession of said plots by applicant nor he returned his amount, when demanded, which prompted him to register this FIR against applicant. Learned counsel submits that cheque book of applicant was stolen; no case is made out; there is delay in registration of FIR and offence does not fall within the prohibitory clause of Section 497(i) CrPC. Complainant is present and has explained the tragedy in detail. Learned APG submits that there is documentary evidence of payment of installments by complainant to applicant in shape of receipts and two dishonored cheques amounting to Rs.660,000/- each.

I have considered submissions of parties and perused material available on record. There is prima facie evidence against the applicant in shape of dishonored cheques and receipts issued

by him to the complainant against installments of abovementioned plots. No case to extend protection u/s 498 CrPC, meant to save innocent from arrest, otherwise required in non-bailable offence, has been made out in presence of such prima facie evidence. Accordingly, the bail application is dismissed and ad-interim pre-arrest bail granted to him vide order dated 04.10.2022 is hereby recalled.

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

JUDGE