

ORDER SHEET
**IN THE HIGH COURT OF SINDH CIRCUIT COURT
HYDERABAD**

Criminal Bail Application No.S-387, 448 and 449 of 2023

DATE	ORDER WITH SIGNATURE OF JUDGE
-------------	--------------------------------------

For orders on office objection.
For hearing of main case.

22-06-2023

Mr. Ayatullah Khuwaja, advocate for applicant, who is present on interim pre-arrest bail.

Mr. Muhammad Noman Jaffar, advocate for complainant along with complainant.

Ms. Rameshan Oad, Assistant Prosecutor General Sindh along with I.O./ASI Muhammad Nadeem PS B-Section Latifabad Hyderabad.

MUHAMMAD IQBAL KALHORO, J: - Complainant is owner of Empress Motorcycle Pvt. Ltd. which manufactures motorcycles. Applicant is a dealer of motorcycles. As a result of business transaction, complainant delivered 442 motorcycles to him from 01.08.2020 to 20.03.2022, which he has reportedly sold on installments to different people and is still in process of collecting the amounts from the people. Against sale of such motorcycles, applicant issued 08 cheques of different amounts to the complainant. The complainant however deposited 03 cheques in the bank for encashment which were dishonored. The total amount of 03 cheques is Rs.5,025,000.00 (Rupees fifty lacs and twenty five thousand only). Meanwhile, applicant has filed a civil suit in respect of those 08 cheques.

2. For the last few dates, learned counsel for applicant has been seeking time for compromise with complainant. He has stated that some meetings between the parties have taken place in this regard. In any case, today applicant has given complainant a cheque bearing No.D-14700694 of Account No.1607 0102530993, Meezan Bank, Station Road Branch Hyderabad of amount i.e. Rs.5,025,000.00 of three subject cheques to be encashed after two months on 22.08.2023. Against which the complainant has agreed to issue invoices/sale letters of relevant motorcycles proportion wise to the applicant within a week's time as it will, per applicant's counsel, enable him to collect money from people by giving them invoices which then he will deposit in his bank account so that after two months

when subject cheque is presented in bank, it is encashed. A photo stat copy of the cheque is brought on record for the purpose of this order.

3. On such arrangement and the conditions enunciated herein under, complainant and his counsel as well as learned A.P.G. have given no objection for confirmation of bail of applicant.

4. Accordingly, these applications, on account of compromise reached between parties today, are allowed and the ad-interim pre-arrest bail already granted to applicant is **confirmed** on the same terms and conditions as laid down in the earlier orders dated 20.04.2023 and 08.05.2023 respectively in addition to the ones below

5. Before the trial Court the complainant shall submit a statement of satisfaction of his claim after withdrawing amount of cheque given to him today from the bank. On such statement, the trial Court shall dispose of the matters on the basis of satisfaction of claim of the complainant and compromise between the parties. However, if the subject cheque is not encashed on the given date and dishonored. In addition to an option to the complainant to register relevant FIR against the applicant, the concession of pre-arrest extended to the applicant by this order in all three cases would automatically stand recalled and the trial Court would be competent to take action against him in accordance with law including his arrest and proceed with the cases on merits.

6. The applications are accordingly disposed of.

JUDGE