

IN THE HIGH COURT OF SINDH AT KARACHI

Crl. Bail Application No. 1731 of 2023

Applicant : Shaukat Ali
through Mr. Imtiaz Ali, Advocate

Respondent : The State
through Mr. Muhammad Iqbal Awan, Addl.P.G.

Date of hearing : 18th October, 2023

ORDER

Omar Sial, J: Shaukat Ali is accused of having committed an offence under section 489-F P.P.C. In this regard, F.I.R. No. 916 of 2022 was registered against him at the Gulshan-e-Iqbal police station on 17.11.2022. The F.I.R. was lodged against Shaukat by Mohammad Hussain Lakhani. Lakhani claimed that he had sold a car to Shaukat for Rs. 1.4 million, but that on 19.10.2022, when the cheque was deposited in his bank, it bounced.

2. I have heard the learned counsel for the applicant and the learned Additional Prosecutor General. None effected an appearance on behalf of the complainant. My observations are as follows.

3. The learned Additional Prosecutor General confirmed that apart from the cheque in question, there is no other material available on the police file which would prima facie demonstrate the reason for which the cheque was given. I find it unusual that a reasonable person would sell his vehicle and not even have any documentary evidence of the transaction in his possession. This is an aspect for further inquiry and must be determined at trial. However, one cannot brush aside the applicant's unrebutted stance that the cheque was connected to a business that Shaukat and Lakhani had entered. Malafide on the complainant's part in converting a civil dispute into a criminal case cannot conclusively be ruled out upon a tentative assessment.

4. The offence with which Shaukat is charged carries a potential sentence of up to 3 years, and though not a bailable crime, the punishment for committing it falls within the non-prohibitory clause of section 497 Cr.P.C. Given the principles enunciated in the case of Tariq Bashir vs The State (PLD 1995 SC 34), I do not find any extraordinary or exceptional reasons to deny the applicant bail.

5. The interim pre-arrest bail granted to the applicant is confirmed on the same terms and conditions.

JUDGE