

**IN THE HIGH COURT OF SINDH AT KARACHI**

Crl. Bail Application No. 2268 of 2023

Applicant : Sudhamo  
through Mr. Wazeer Hussain Khoso, Advocate

Respondent : The State  
through Mr. Abrar Ali Khichi, Addl.P.G.

Complainant : Gurdari Lal  
through Mr. Zubair Ahmed, Advocate  
along with complainant

Date of hearing : 26<sup>rd</sup> October, 2023

Date of order : 30<sup>th</sup> October, 2023

**ORDER**

**Omar Sial, J:** Sudhamo has sought post-arrest bail in crime number 374 of 2023, registered under section 489-F P.P.C. at the Boat Basin police station. The F.I.R. was lodged on the complaint of Gurdari Lal on 28.06.2023. Lal reported that he is a co-owner of a rice factory with three other gentlemen, one of whom is the applicant. Three to Four years ago the partners had leased out the factory to the applicant in exchange for the applicant giving them Rs. 2.3 million every year. Allegedly, the applicant also took a loan of Rs. 12.5 million from Lal and promised him that he would pay it back in five to six months. Sudhamo defaulted on his obligations and when pressed by Lal, issued him three cheques, all of whom bounced upon presentation.

2. I have heard the counsels for the applicant and the complainant. I have also heard the Additional Prosecutor General.

3. Learned counsel for the complainant was unable to show any evidence of the agreement by which the applicant was to give him Rs. 2.3 million per year nor any document to show his ownership of the rice factory nor any evidence of the Rs. 12.5 million alleged loans. Learned

counsel attempted to justify it by producing two sheets of a bank statement, however, was unable to explain the nexus between the amounts shown on the statement and the applicant. It requires further inquiry to determine whether the cheques were issued to satisfy a loan or fulfil an obligation.

4. An offence under section 489-F P.P.C. carries a potential sentence of up to three years and though not bailable falls within the ambit of the non-prohibitory clause of section 497 Cr.P.C. He has remained in jail for a period of nearly two months. Keeping in view the principle enunciated in the Tariq Bashir and 5 others vs The State (PLD 1995 SC 34), I do not see any exceptional or extraordinary ground to deny the applicant bail.

5. The applicant is admitted to post-arrest bail subject to his furnishing a solvent surety in the sum of Rs. 500,000 and a P.R. Bond in the like amount to the satisfaction of the learned trial court.

JUDGE