

ORDER SHEET
IN THE HIGH COURT OF SINDH BENCH AT SUKKUR
Cr. Bail App. No. S – 677 of 2023

Date of hearing	Order with signature of Judge
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1. For orders on office objections at Flag-A
2. For hearing of bail application

08.12.2023

Mr. Imtiaz Ali Abbasi, Advocate for applicant along with applicant.

Mr. Abdul Haseeb Khuhro, Advocate for complainant.

Mr. Dareshani Ali Haider 'Ada', Deputy Attorney General along with Sub-Inspector Sadam Hussain, FIA Sukkur.

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Muhammad Iqbal Kalhoro, J. – It is alleged in FIR that applicant is a travel agent and complainant had given him Rs.15,50,000/- (Rupees fifteen lac fifty thousand) in the year 2019 as expenses for travelling to Saudi Arabia to perform Hajj, but he misappropriated the amount, and on demand, issued him a cheque of even amount, which, on presentation in the bank, was dishonoured; hence, FIR.

2. The investigation was taken up by the FIA, and did not find the applicant to be a travel agent, instead a real estate agent. Realizing the fact that there is a private dispute between the parties, FIA has recommended transfer of the case to the local police, and is in the process of submitting such a report before the trial Court.

3. Learned Counsel for applicant submits that there is a dispute over the property between the parties and the cheque was issued to one Mushtaque Ali, against whom he has already filed a FC Suit No.85/2021 before the IIIrd Senior Civil Judge, Sukkur. Against complainant and witnesses, he had filed a Cr. Misc. Application No.2935/2021 before the Sessions Judge / Justice of Peace, Sukkur in the year 2021 before registration of FIR. In that case, complainant and witnesses appeared, but did not raise the issue of issuance of cheque to them. The cheque was allegedly issued on 07.10.2021, dishonoured on 14.01.2022, but FIR was registered after more than one year on 02.08.2023; hence, false implication and the fact that case of the applicant requires further enquiry cannot be ruled out.

4. Learned Counsel for the complainant has opposed bail to the applicant. Learned Deputy Attorney General has, however, submitted that there is a dispute between two private persons and *prima facie* applicant, being a travel agent, has not been found.

5. I have considered submissions of parties and perused material available on record. There is delay of more than one year in registration of FIR. Applicant had filed an application against harassment caused by complainant and his witnesses prior to FIR, therefore, his false implication cannot be ruled out. The case is pending before the trial Court and applicant is no more required for further investigation. The offence does not fall within prohibitory clause U/S 497(i) CrPC.

6. Hence, this application is **allowed**. The ad-interim pre-arrest bail already granted to applicant is **confirmed** on the same terms and conditions as contained in order dated 03.10.2023. However, the trial Court is directed to expedite the trial and shall not grant adjournment to any party and conclude the case within a period of three (03) months and submit such compliance report through Additional Registrar of this Court.

7. The observations, as above, are tentative in nature and not meant to affect merits of the case before the trial Court.

The bail application stands **disposed of** in the above terms.

J U D G E

Abdul Basit