

**IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR**

**Cr. Bail Appln. No. S – 502 of 2023**

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DATE

ORDER WITH SIGNATURE OF JUDGE

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**Hearing of bail application**

1. For orders on office objection at Flag 'A'
2. For hearing of bail application

**11.08.2023**

Mr. Shamsuddin N. Kobhar, Advocate for the Applicant  
Mr. Shafi Muhammad Mahar, Deputy Prosecutor General for State  
along with ASI Bashir Ahmed Shaikh, Investigating Officer of Police  
Station, Mirpur Mathelo

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**ORDER**  
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**MUHAMMAD IQBAL KALHORO, J.-** Complainant, an employee of Engro Company has a dispute on outstanding amount over plot with brother of applicant, namely, Sikander Ali Samejo, allegedly against whom complainant had registered an FIR No.57/2021 under Section 489-F, PPC. During hearing of that case on 16.10.2021, applicant along with his brother Sikander Ali came in Mirpur Mathelo Court and issued a cheque of R.11,55000/- to complainant as a consideration for making compromise with his brother in the aforesaid crime and offence. Accordingly, after due formalities, brother of applicant was acquitted in the aforesaid crime on the basis of compromise vide order dated 16.03.2021. However, after the compromise when the complainant presented the cheque in bank, it was dis-honoured. Feeling aggrieved, he again appeared at police station and registered the FIR against the applicant.

2. Contentions raised in defence are that the applicant has no obligation to complainant to fulfill and he had issued a cheque on behalf of his brother in the aforesaid crime and offence to engender the compromise.

3. Mr. Muhammad Ali Dayo, Advocate, has filed Power on behalf of complainant, who is also present along with Investigating Officer, has

opposed grant of bail to the applicant and also learned Deputy Prosecutor General for the State. The Investigating Officer has further informed that applicant even failed to join investigation.

4. I have considered submissions of parties and perused material available on record. Alleged act of applicant to issue a dishonest cheque in favour of complainant to satisfy obligation of his brother and earn acquittal for him in Crime No.57/2021, *prima facie* makes him equally responsible for the offence. Apparently, the Applicant along with his brother not only hoodwinked the complainant in entering into compromise in the Court in Crime No.57/2021 but also deceit the court in accepting the compromise on the basis of dishonest cheque. *Prima facie*, an offence under Section 489-F, PPC is made-out and apparently there is no *mala fide* on the part of the complainant, who has been roaming from pillar to post, to get his money back. Additionally, after registration of this case against the applicant, he even failed to join investigation of the case.

5. In the facts and circumstances, I do not find the applicant entitled to concession of extra-ordinary relief of pre-arrest bail in presence of sufficient grounds connecting him with the offence against him, hence, this bail application is **dismissed** and the ad-interim order passed earlier dated 25.07.2023 is hereby recalled.

6. At this juncture, learned DPG and Investigating Officer of the case, both have requested that as the applicant had failed to join the investigation and the Challan has been submitted, he is likely to abscond, therefore, he may be taken into custody and sent to jail to face the trial. Their request is allowed, applicant is taken into custody and sent to Central Prison, Sukkur to be produced before the trial Court on the date of hearing. At this juncture, learned defence counsel submits that trial Court may be directed to expedite the trial and conclude it within a period of two months hereof. **Order accordingly.**

7. The application is disposed of and the aforesaid observations are tentative in nature will not prejudice the either party at the trial.

Judge

ARBROHI