

Order Sheet
IN THE HIGH COURT OF SINDH,
BENCH AT SUKKUR

Crl. Bail Application No.S- 361 of 2023

Date of hearing	Order with signature of Judge.
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For hearing of Bail Application

18-09-2023

Mr. Manzoor Hussain Mahessar, Advocate along with applicant.
Mr. Ghazanfar Abbas Jatoi, Advocate along with complainant.
Mr. Shafi Muhammad Mahar, Deputy P.G for the State.

ORDER

MUHAMMAD IQBAL KALHORO, J.- Allegedly, applicant obtained Rs. 30,00,000/- (Thirty Lac) from complainant for investment in his business and issued two cheques of Rs.25,00,000/- (Twenty Five Lac) and Rs. 500,000/- (Five Lac) respectively. When applicant did not return money or any profit, the cheques were deposited in the bank for encashment and were dishonored. Hence, FIR.

2. Applicant's counsel submits that there is delay of two years in lodging of FIR and applicant has already returned money to the complainant. He has produced some Photostat copies of receipts of some amounts and claims that they bear signature of the complainant. However, these documents have been disputed by counsel for the complainant to be false and fabricated. To this effect, learned DPG submits that in the investigation, these documents were not submitted by applicant before the I.O and in fact, he had failed to join the investigation despite notices issued to him. Learned counsel for

complainant has further submitted, by producing case diaries, that applicant even does not appear before the trial Court to join the trial.

3. I have considered the arguments of parties and am of the view that mere delay in registration of FIR would not entitle applicant, against whom reasonable grounds exist to show that he is involved in the alleged offence, to grant of extraordinary concession of pre-arrest bail, which is extended to innocent persons who are implicated falsely to save them from arrest in a non-bailable offence. Against applicant, sufficient evidence in the shape of dishonored cheques and 161 CrPC statements of the witnesses, supporting the contents of FIR, *prima facie*, is available. Further, delay in FIR has been attributed mainly to applicant's promises to the complainant to return money, which when he failed to fulfill, applicant filed an application under Sections 22-A&B CrPC for FIR. In view thereof, I am of the view that no case for pre-arrest bail is made out in favour of applicant on any of the grounds taken by him.

4. Accordingly, this bail application is **dismissed**. Needless to mention here that the observations made hereinabove are tentative in nature and shall not influence the trial court while deciding the case on merits.

JUDGE