

ORDER SHEET
IN THE HIGH COURT OF SINDH BENCH AT SUKKUR
Cr. Bail App. No. S – 391 of 2023

Date of hearing	Order with signature of Judge
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For hearing of bail application

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

25.09.2023

Mr. Subhan Ali Zardari, Advocate for applicant along with applicant.

Mr. Muhammad Suleman Kalhoro, Advocate for complainant.

Mr. Shafi Muhammad Mahar, Deputy Prosecutor General.

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Muhammad Iqbal Kalhoro, J. – Allegedly, there were business relations between complainant and applicant. At the closure of business, the accounts were settled and an amount of Rs.3,16,000/- (*Rupees three lac sixteen thousand*) of the complainant was found outstanding against the applicant, of which he issued a cheque to the latter, which on presentation in the bank for encashment, was dishonoured; hence FIR.

2. Learned Counsel in defence submits that applicant is innocent. Complainant has failed to disclose necessary details of business or the exact investment made by him. Applicant had issued a cheque as a guarantor on behalf of one Zafar Ali, and in return the latter had also issued him a cheque, which on presentation in the bank for encashment was also dishonoured and, hence, FIR bearing No.306 of 2022 under Section 489-F PPC at Police Station Moro, District Naushahro Feroze was registered against him by the applicant. Applicant is patient of renal failure and he is on dialysis, thrice a week.

3. Learned Counsel for complainant has opposed the bail, but learned DPG has conceded as right to bail on the ground that sufficient evidence to show business relations i.e. investment of the complainant etc. between the parties is lacking. Therefore, owing to such no objection plus the fact that the applicant is an ill person, on dialysis, this application is **allowed**. Accordingly, ad-interim pre-arrest bail already granted to applicant, vide order dated 12.06.2023, is hereby **confirmed** on same terms and conditions.

4. The observations made hereinabove are tentative in nature and shall not influence the trial Court while deciding the case on merits.

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

Abdul Basit

J U D G E