

# THE HIGH COURT OF SINDH KARACHI

## Criminal Bail Application No. 1936 of 2023

### For hearing of Bail Application.

Applicant/ Accused : Wajahat Younus son of Muhammad Younus (*who is present in Court on ad-interim pre-arrest bail*) through Mr. Muhammad Aziz Khan, Advocate.

Complainant : Karim son of Rajab Ali through Mr. Ali Ahmed Turabi, Advocate.

The State : Through Mr. Siraj Ali Khan Chandio, Additional Prosecutor General Sindh.

Date of hearing : 11-10-2023

Date of order : 11-10-2023

FIR No. 87/2023  
U/s: 489-F PPC  
P.S. Airport, Karachi

## ORDER

**Adnan Iqbal Chaudhry J.** - The Applicant/ Accused seeks pre-arrest bail in the aforesaid crime after the same had been declined by the Additional Sessions Judge, Malir, Karachi by order dated 10-08-2023.

2. The offence alleged against the accused is one under section 489-F PPC. Per the FIR lodged on 25-07-2023, the accused was a supplier for the Complainant Company and was advanced certain monies to supply tanks to the Complainant; that when the applicant could not fulfill the order, he paid back the Company vide cheque dated 06-07-2023 of Rs. 10,53,200/-, which was dishonored on 10-07-2023 as the bank account was found inactive.

3. Heard learned counsel, the APG Sindh and perused the record.

4. The ground urged for pre-arrest bail is that the cheque was given as security and thereafter the amount was paid back to the Complainant Company who nonetheless retained the cheque with *malafides*. While a deposit slip of Rs. 3,50,000/- is relied upon to show part payment to the Complainant, there is nothing to show payment

of the remaining amount. The submission that the remaining payment of Rs. 7,032,00/- was paid in cash is completely unsubstantiated, and in any case is an aspect for the trial Court to examine. Suffice to state that for the purposes of pre-arrest bail, the applicant has to demonstrate *malafides* in lodging the FIR or in seeking his arrest, both of which are completely missing in this case. Consequently, the bail application is dismissed.

Needless to state that the observations above are tentative and shall not be construed to prejudice the case of either side at trial.

**JUDGE**

SHABAN\*