

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI
Criminal Bail Application No. 810 of 2024
(*Taha v. The State*)

Date	Order with signature of Judges
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For hearing of bail application

22.05.2024

Mr. Waqar Ali, advocate for the applicant
Mr. Mumtaz Ali Shah, Assistant Prosecutor General for the State
Complainant in person

It is alleged that the applicant issued two cheques worth Rs. 9,17,700/-and Rs. 8,26000/-in favour of complainant Zain Haroon, those were bounced by the concerned bank when were presented there for encashment, for which the present case was registered.

The applicant having been refused post-arrest bail by learned Courts below, has sought the same from this Court by making the instant bail application under section 497 Cr.P.C.

It is contended by learned counsel for the applicant that the applicant is innocent and has been involved in this case falsely by the complainant only to settle his account with him and he is in custody for ten months, therefore, he is entitled to be released on bail on point of further inquiry, which is opposed by learned Assistant PG for the State who is assisted by the complainant by contending that the applicant had committed the financial death of the complainant by issuing fake cheques in his favour.

Heard arguments and perused the record.

The FIR of the incident has been lodged with a delay of about five months; such delay could not be overlooked. The offence alleged against the applicant does not fall within the prohibitory clause of Section 497

Cr.P.C. The punishment which the alleged offence entails is imprisonment up to three years or a fine; if the applicant after the due trial is awarded the punishment of fine only then the imprisonment which he is undergoing would be somewhat extra. The case has finally been challaned. The applicant has been in custody for about eight months. There is no likelihood of absconsion or tampering with the evidence on the part of the applicant. In these circumstances, a case for the release of the applicant on bail on point of further inquiry is made out.

Under the given circumstances, while relying upon the case of *Noman Khaliq v. the State (2023 SCMR 2122)*, the applicant is admitted to bail subject to his furnishing surety in the sum of Rs.100,000/- (rupees one lac) and P.R bond in the like amount to the satisfaction of the learned trial Court.

Instant bail application is disposed of accordingly.

J U D G E