

**ORDER SHEET**  
**IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR**  
 CrI. Bail Application No.S-144 of 2024  
 (Muhammad Ali Chandio Vs. The State)

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1. For Orders on office objection.
2. For hearing of Bail Application

**09-04-2024.**

Mr. Imdad Ali Malik, advocate for the applicant.  
 Mr. Aijaz Ali Bhatti, advocate for the complainant.  
 Mr. Gulzar Ahmed Malano, Assistant P.G for the State.

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1. Complied with.
  
2. The facts in brief necessary for disposal of instant CrI. Bail Application are that the applicant obtained loan of Rupees twenty three lacs to be invested by him in Real Estate at Lahore to be returned to the complainant on demand, which he returned dishonestly in shape of cheques, those were bounced, when were presented before the concerned Bank for encashment, for that the present case was registered against him at the instance of the complainant.
  
3. The applicant on having been refused Post-Arrest bail by learned C.J / J.M/ P.O (Consumer Protection Court), Sukkur and IIIrd Additional Sessions/(MCTC-II) Sukkur, has sought for the same from this Court by making instant CrI. Bail Application under Section 497 Cr.P.C.
  
4. It is contended by learned counsel for the applicant that the applicant being innocent has been involved in this case falsely by the complainant only to satisfy his dispute with him over settlement of account; those were issued as security and the offence alleged against the applicant is not falling within prohibitory clause; therefore, he is entitled to be released on bail on point of further inquiry. In support of his contention, he relied upon case of *Noman Khaliq Vs. The State & another* (2023 SCMR 2122).

5. Learned Assistant P.G for the State and learned counsel for the complainant have opposed to release of the applicant on bail by contending that he has committed the financial death of the complainant by issuing fake cheques in his favour. In support of their contention, they relied upon case of *Shameel Ahmed Vs. The State (2009 SCMR 174)*.

6. Heard arguments and perused the record.

7. The FIR of the incident has been lodged with delay of about four months; that too after having a recourse u/s 22 A/B Cr.P.C. The parties are said to be disputed over settlement of account and subject cheques were issued as security. The offence alleged against the applicant is not falling with prohibitory clause; even otherwise it entails imprisonment for three years or with fine; if after due trial, the applicant is awarded punishment of fine only then the sentence which he is likely to undergo on account of refusal of bail to him would be somewhat extra. The case has finally been challaned. There is no likelihood of absconsion or tampering with the evidence on the part of the applicant. In these circumstances as case for release of the applicant on bail on point of further inquiry obviously is made out.

8. The case law which is relied upon by learned Assistant P.G for the State and learned counsel for the complainant is on distinguishable facts and circumstances. It is earlier in time to the case law, which is relied upon by learned counsel for the applicant and moreso in that case the accused was found to be habitual offender and he remained at large for more than one year after registration of the case against him. In the instant case nothing has been brought on record which may suggests that the applicant is habitual offender and after registration of case he remained at large for more than one year.

9. In view of above the applicant is admitted to bail subject to his furnishing solvent surety in sum of Rs.200,000/- (Two lacs) and P.R bond in the like amount to the satisfaction of learned trial Court.

10. The instant Crl. Bail Application is disposed of accordingly.

**Judge**

Nasim/P.A.