

**ORDER SHEET**

IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR

Crl. Bail Application No.S-88 of 2024

*(Abdul Samad Malik Vs. The State)*

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1. For Orders on office objection.
2. For Orders on MA No. 702/2024.
3. For hearing of Bail Application.

**15-04-2024.**

Mr. Ajeebullah Junejo, advocate for the applicant.

Mr. Mansoor Hussain Maitlo, advocate for the complainant.

Mr. Shafi Muhammad Mahar, Deputy P.G for the State.

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1. Over ruled.
2. Granted subject to all just legal exceptions.
3. It is alleged that the applicant issued a cheque in favour of complainant Ganhwar Khan, it was bounced, when was presented before the concerned Bank for encashment, for that the present case was registered.
2. The applicant on having been refused Pre-Arrest bail by learned Additional Sessions Judge, Pano Akil, has sought for the same from this Court by way of instant Crl. Bail Application under Section 498-A Cr.P.C.
3. It is contended by learned counsel for the applicant that the applicant being innocent has been involved in this case by the complainant falsely and offence against him is not falling within prohibitory clause; therefore, he is entitled to be admitted to pre-arrest bail on point of further inquiry and malafide.

4. Learned Deputy P.G for the State has recorded no objection to grant of pre-arrest bail to the applicant; however learned counsel for the complainant has opposed to grant of pre-arrest bail to the applicant by contending that he has committed the financial death of the complainant.

5. Heard arguments and perused the record.

6. The FIR of the incident has been lodged with delay of more than one month; such delay having not been explained plausibly by the complainant could not be over looked; the offence alleged against the applicant is entailing imprisonment for three years or 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 pre arrest bail to him would be somewhat extra. The case has finally been challaned. The applicant has joined the trial and there is no allegation of misusing the concession of interim pre arrest bail on his part. In these circumstances, a case for grant of pre-arrest bail in favour of the applicant on point of further inquiry and malafide obviously is made out.

7. In view of above, the interim pre-arrest bail already granted to the applicant is confirmed on the same terms and conditions.

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

**Judge**

