

IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR

Criminal Bail Application No.S- 506 of 2024

Date	Order with Signature of Hon'ble Judge
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Hearing of bail application

1. For orders on office objection at flag 'A'
2. For hearing of bail application

24.10.2024

Mr. Sohail Ahmed Khoso, Advocate for Applicant
Mr. Zulfiqar Ali Jatoi, Additional PG for the State

ORDER

Zulfiqar Ali Sangi, J:- Through this bail application, the applicant Ali Raza S/o Altaf Hussain Ujjan, seeks post-arrest bail in the case arising out of FIR / Crime No.230 of 2024 registered under sections 489-F PPC at Police Station, Shaheed Murtaza Mirani, District Khairpur, after his bail plea was declined by learned Additional Sessions Judge-III, Khairpur vide order dated 24.07.2023.

2. The facts relating to bail applications in hand are already mentioned in FIR as well as memo, therefore, there is no need to reproduce the same.

3. It is contended by learned counsel for the applicant that as per FIR the allegation against the applicant is that he issued a cheque of Rs.15 lac to the complainant, which on presentation was dishonoured by the concerned Bank; that the applicant was Munshi/Clerk on the shop of the complainant and after considerable time he had left the shop and his cheque which was available in the shop, which was misused by the complainant; that the offence does not fall within the prohibitory clause of Section 497 CrPC, hence he prays that the applicant may be granted bail.

4. Learned Additional PG for the State opposed for grant of bail to the applicants by contending that a cheque of huge amount, which was issued by the applicant, which on presentation was dishonoured definitely it was great financial loss to the complainant.

5. It is pertinent to mention here that earlier, Counsel for the complainant was appearing and thereafter on 30.09.2024 when Counsel

for the applicant sought date, which was opposed by Counsel for the complainant and thereafter the matter was adjourned for today.

6. Heard learned counsel for the applicant, learned Addl.PG for the State and perused the material available on record.

7. Admittedly, there is delay of more than 40 days in lodgment of the FIR, for which no plausible explanation has been furnished by the complainant. The applicant was servant/employee of the complainant and he was working at his shop as being regular clerk, whereas, no particulars of the account from which the amount was collected by the applicant nor any particulars are mentioned in the FIR in respect of the alleged amount. The offence under section 489-F, P.P.C. does not fall within the prohibitory clause of section 497 Cr.P.C. Reliance is placed on the case of ***Muhammad Imran v. The State (PLD 2021 Supreme Court 903)*** wherein the Honourable Supreme Court has categorically settled the grounds for the case to fall within the exceptions meriting denial of bail as (a) the likelihood of the petitioner's abscondence to escape trial; (b) his tampering with the prosecution evidence or influencing the prosecution witnesses to obstruct the course of justice; or (c) his repeating the offence keeping in view his previous criminal record or the desperate manner in which he has *prima facie* acted in the commission of offence alleged. Apparently there appears no ground to bring the case of applicant in the exceptions for refusal of the bail as settled by the Supreme Court.

8. In view of the above facts, I am of the view that the applicant has made out the case for grant of bail. The instant bail application is allowed, the applicant is directed to furnish a solvent surety in the sum of Rs.100,000/- (One lac) and PR bond in the like amount to the satisfaction of trial Court.

9. The observations made herein above are tentative in nature and will not cause any prejudice to either party at the trial.

Judge

ABBRQHI