

**ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI.**

Cr. Bail Appl. No.1531 of 2024

28.10.2024

Mr. Loung Khan holds brief for Mr. Zeeshan Hyder, Advocate for applicant.

Ms. Rahat Ahsan, Addl. P.G. a/w SI Ghulam Abbas, P.S. New karachi.

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ORDER

MUHAMMAD IQBAL KALHORO J: Applicant Ashfaque Hassan is seeking pre arrest bail in Crime No.104/2024 U/s 489-F PPC of P.S. New Karachi. He is present on ad-interim pre arrest bail granted to him vide order dated 11.07.2024, and matter is fixed for confirmation or otherwise.

2. As per brief facts, complainant has alleged that he invested an amount of Rs.60,00,000/- in the business of the applicant and co-accused Tahir Ahmed, who has been acquitted, against monthly profit. They paid almost Rs.12,00,000/- in profit but then stopped payment. When he demanded his money, applicant issued six cheques amounting to Rs.51,00,000/- which on presentation in the bank were dishonoured. Hence this FIR.

3. I have heard applicant in person as his counsel is absent. He submits that he has already returned the amount to the complainant and co-accused Tahir Ahmed, has been acquitted; hence he is entitled to concession of bail.

4. Learned Addl. P.G has opposed the bail stating that the case of applicant is on different footings as all the cheques have been signed by the applicant. Complainant is present in person and has disclosed that his money has been gobbled up by the applicant and his partner.

5. I have considered submissions of the parties and perused material available on record. Applicant is specifically named in FIR to have issued six cheques which on presentation were dishonored. Applicant did not join investigation and remained absconder. It is only after acquittal of co-accused Tahir Ahmed, he decided to appear in the court

and tried to obtain pre arrest bail on the said ground. Prima facie there is sufficient evidence against applicant in the shape of dishonest cheques and he is not entitled to concession of pre arrest bail which is only meant to protect innocent persons from consequences in the criminal case in which he has been falsely implicated by the complainant or police. In view of above and the fact that he remained fugitive from law and was declared proclaimed offender, no case for extra ordinary concession of pre arrest bail is made out.

6. In view of above circumstances, this application is dismissed and the order granting ad-interim pre arrest bail to the applicant is hereby recalled.

The observations made herein above are tentative in nature and would not prejudice case of either party at trial.

The Cr. Bail Applications are disposed of.

J U D G E

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