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ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA
Criminal Bail Application No.S-215 of 2018

Date Order with Signature of Judge

10.08.2018

Mr. Naveed Anjum, advocate, along with applicant.
Mr. Khadim Hussain Khoonharo, APG.
None for the complainant, though he served with the notice.

ORDER

ZAFAR AHMED RAJPUT, J: Through instant criminal bail application, applicant/accused Imran Khan s/o. Murad Khan has sought pre-arrest bail in Crime No. 53/2018, registered at P.S Garhi Yaseen under Sec. 420 & 489-F, P.P.C., Earlier his bail application bearing No. 414 of 2018 was heard and dismissed by the learned IIIrd Additional Sessions Judge, Shikarpur, vide order dated 26.04.2018. Applicant was admitted to ad-interim pre-arrest bail by this Court, vide order dated 02.07.2018, now he seeks confirmation of his bail.

2. Briefly stated facts of the case are that, on 31.12.2017, complainant Zafarullah Pathan lodged the aforementioned F.I.R. stating therein that the applicant and his brother, namely, Aadil and he deal in animals, and the former on 05.12.2017, came to him and purchased four buffaloes for Rs. 5,00,000/= and against that applicant issued a crossed-cheque bearing No. A-67566350, drawn on Meezan Bank, Shakrahe-Faisal, Karachi, which he deposit in his account for transfer of amount, but the same was dishonored.

3. Learned counsel for the applicant has contended that the applicant is innocent and has been implicated in this case falsely. He has farther contended the applicant is a Government contractor and run an engineering company for construction work in the name and style of Ms. Khan Sahib Badshah Khan & Co. and he has been involved in various false crimes/F.I.Rs

by one Muhammad Faisal, who wants to take over the management of the company. He has also contended that the complainant in his F.I.R. has shown the occurrence of alleged incident on 05.12.2017, while the applicant was already arrested on 07.11.2017 in F.I.R. No. 237/2017, registered at P.S. Steel Town, District Malir, Karachi and confined in District Prison Malir, from where he released on 20.03.2018 and such certificate issued by the Superintendent, District Prison Malir, Karachi on 14.04.2018 is annexed with the application. He added that since the alleged offence does not fall within the prohibitory clause of Section 497, Cr.P.C. the applicant is entitled to the concession of bail.

4. Learned A.P.G has recorded his no objection for the confirmation of ad-interim bail.

5. It appears from the perusal of certificate, issued by the Superintendent, District Prison Malir, Karachi that the applicant was confined in judicial custody from 08.11.2017 to 20.03.2018; hence, his approaching to complainant on 05.12.2017 for purchasing buffaloes and issuance of alleged cheque is yet to be determined by the trial Court. Even otherwise, the alleged offence being punishable with imprisonment for three years does not fall within the prohibitory clause of section 497 Cr. P.C; therefore, the interim pre-arrest bail granted to applicant, vide order dated 13.07.2018, is hereby confirmed on the same terms and conditions.

6. Needless to mention here that the observations made hereinabove are tentative in nature and would not influence the trial Court while deciding the case of the applicant on merits. However, in case the applicant misuse the concession of bail in any manner, the trial Court shall be at liberty to cancel the same after giving him notice, in accordance with law.


JUDGE