

ORDER SHEET
IN THE HIGH COURT OF SINDH,
CIRCUIT COURT HYDERABAD

Cr. Bail Application No. S- 31 of 2020

DATED ORDER WITH SIGNATURE OF JUDGE

For hearing of main case.

31.01.2020

Applicant Abdul Razzaque is present on interim bail.

Mr. Muhammad Iqbal Hingoro, Advocate for applicant.

Mr. Meer Muhammad Buriro, Advocate alongwith complainant.

Ms. Rameshan Oad, Asst. Prosecutor General.

=

ABDUL MAALIK GADDI, J- Through this bail application, applicant Abdul Razzaque seeks pre-arrest bail in crime No.216 of 2019 registered U/S 489-F PPC at Police Station A-Section Dadu. Earlier, applicant had filed Cr. bail application before the trial court for grant of bail but the same was dismissed vide order dated 07.01.2020.

2. The allegation against the applicant is that he had allegedly issued a cheque of Rs.5,00,000/- [Rupees Five Hundred Thousand] to the complainant on account of some business transaction, however, when the said cheque was presented before the concerned bank for its encasement, the same was dishonoured.

3. It is contended by learned counsel for the applicant that the case against the applicant is false and has been registered due to malafide intention as the applicant had business relation with the complainant party; that there is delay of four (04) months in lodging the F.I.R which has not been plausibly explained by the complainant; that the alleged offence does not fall within the ambit of prohibitory clause of Section 497 Cr.P.C and the applicant is no more required for investigation; that the applicant is innocent and has nothing to do with the alleged offence and has been falsely implicated in this case by the complainant therefore, he prays for confirmation of interim bail.

4. On the other hand, learned A.P.G assisted by learned counsel for the complainant though opposed this bail application but submit that they would be satisfied and recorded their no objection if the learned trial Court is directed to conclude the trial within a period of 45 working days from receipt of this Order.

5. I have heard the arguments advanced by either side and perused the material available on record. It appears from the record that F.I.R is delayed about four (04) months for which no satisfactory explanation has been furnished. It is noted that case has already been challaned and applicant is no more required for investigation. The only allegation against the applicant is that he had issued a cheque of Rs.5,00,000/- [Rupees Five Hundred Thousand] to the complainant and when complainant presented the same before the concerned bank for its encashment, the same was bounced / dishonoured.

6. As observed above, the case has already been challaned therefore, sending the applicant to jail would not serve the purpose. Besides, the punishment of the alleged offence does not fall within the ambit of prohibitory clause of Section 497 Cr.P.C. In such circumstances, grant of bail to an accused is a rule and its refusal is an exception. There is no exceptional circumstance appear to with hold the bail to applicant in this case. In these circumstances, the interim pre-arrest bail already granted to the applicant vide order dated 13.01.2020, is hereby confirmed on the same terms and conditions with direction to the trial Court to conclude the trial within a period of 45 working days from receipt of this order. Office is directed to immediately send the copy of this order to the trial Court for information and compliance. Compliance report shall be submitted through the Additional Registrar of this Court.

7. Needless to mention that the observations made hereinabove are tentative in nature and shall not prejudice the case of either party at the time of.

8. Before parting, I would like to make it clear that if the applicant misuses the concession of bail in any manner, then the trial Court is fully authorised to take every action against the applicant and his surety including cancellation of bail without making any reference to this Court.

JUDGE

****Fahad Memon****
31.01.2020