

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT HYDERABAD
Cr. Bail Appln. No.S-781 of 2016

DATE	ORDER WITH SIGNATURE OF JUDGE
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FOR HEARING.

28.08.2017.

Mr. Sajid Ali Soomro, Advocate for applicant.
Mr. Erum Ahmed, D.D.P.P.
None present for the complainant.

ORDER

ABDUL MALIK GADDI, J:- Applicant/accused namely *Zahid Hussain Mughal alias Agha* is present on interim pre-arrest bail granted to him by this Court vide order dated 23.09.2016. Today this bail application is fixed for confirmation or otherwise.

2. Facts of the case need not be reiterated here as the same have been stated in the memo of this bail application as well as in the impugned order passed by the Trial Court.

3. It is, *inter alia*, contended by the learned Counsel that the applicant/accused is innocent and has been falsely implicated in the instant crime by the complainant with ulterior motives. Per learned Counsel, though the subject cheque was issued by the co-accused, however, the applicant/accused has been dragged in the present crime by the complainant only to pressurize the party to achieve a compromise in view of the terms and conditions of the complainant; that at the first instance the applicant/accused was admitted to interim pre-arrest bail by the learned VIIth Additional Sessions Judge, Hyderabad, however, the same was later on declined vide order dated 22.09.2016 and local police intend to arrest the applicant/accused in this case.

4. Learned D.D.P.P has opposed this bail application on the ground that the name of the applicant/accused is appearing in the F.I.R with specific allegation that he alongwith co-accused cheated the complainant party.

5. I have give my anxious thoughts to the contentions raised at bar and have gone through the case papers so available before me.

6. It appears from the record, though the name of the applicant/accused is appearing in the F.I.R but it also appears that after due investigation the Investigation Officer of the case submitted a report before the learned Magistrate, placing the name of the applicant/accused in Colum No.2 but the learned Magistrate did not agree to such report and joined the applicant/accused in this case. It is also evident from the record that it is a case of two versions, one has been submitted by the Investigating Officer and another has been submitted by the complainant and it is yet to be determined as to which version is correct at trial, till then the case of the applicant/accused is of further probe. Even otherwise, the only allegation against the applicant/accused is that he issued threats to the complainant party and this fact also requires evidence whether the applicant/accused has issued threats to the complainant party or otherwise, till then the case of the applicant/accused requires further probe.

7. In view of what has been observed above, the applicant/accused has made out the case for confirmation of bail. Accordingly, the interim pre-arrest bail already extended in favour of the applicant/accused is confirmed on the same terms and conditions with direction to the applicant/accused to appear before the Trial Court to face his trial.

8. Needless to mention that the observations given in this bail order are tentative in nature and shall not in any way affect the merits of the case at the trial.

Bail application stands disposed of in the above terms.

JUDGE