

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
Cr. Bail Appl. No.2697 of 2024

Date	Order with signature of the Judge
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16.01.2025

Mr. Kausar Ali Shar, advocate for applicant.
Mr. Abrar Ali Khichi Addl. P.G.
Mr. Abdul Wajid Wyine, advocate for complainant.

ORDER

MUHAMMAD IQBAL KALHORO J: Applicant Muhammad Ilyas is seeking post arrest bail in Crime No.132/2024 U/s 489-F PPC of P.S. Samanabad, Karachi.

2. As per FIR, it is alleged by complainant that applicant who carries out sale and purchase of cattle borrowed Rs.1,08,80,000/- from him for business purpose and issued him a cheque against which, which on presentation, when applicant failed to account for the said amount, was dishonoured, hence FIR.

3. Learned defence counsel submits that applicant is in jail and no more required for further investigation; the alleged offence does not fall within prohibitory clause of section 497(1) Cr.P.C. He has relied upon 2024 SCMR 1596.

4. On the other hand, learned counsel for complainant and learned APG have opposed bail on the ground that three more FIRs have been registered against applicant under the same offence. Be that as it may, mere pendency of a criminal case is no ground to deny concession of bail to the accused, who is implicated in a case which does not fall within prohibitory clause of section 497(1) Cr.P.C. More so, the case has been challaned and applicant is no more required for further investigation. Prima facie, there is no receipt or agreement showing that such a huge amount was given to the applicant by the complainant and therefore, the circumstances leading to issuance of cheque are yet to be determined by the trial court.

5. Accordingly, this application is allowed and applicant is granted bail subject to furnishing a solvent surety in the sum of Rs.100,000/- and P.R bond in the like amount to the satisfaction of the trial court.

The bail application is disposed of.

J U D G E