

ORDER-SHEET  
IN THE HIGH COURT OF SINDH, CIRCUIT COURT LARKANA  
Crl. Bail Appln. No. S- 148 of 2017.

Date of hearing  
18.08.2017.

Order with signature of Judge

Mr. Mazhar Ali Bhutto, Advocate for applicant.  
Mr. Sardar Ali Rizvi, D.P.G.

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Omar Sial, J: Applicant Ghulam Asghar Channo has sought pre-arrest bail in F.I.R No.09/2017, registered under Section 489-F PPC at the Hyderi Police Station, Larkana. Earlier, the learned Sessions Judge, Larkana had declined pre-arrest bail to the Applicant vide his order dated 19.04.2017.

Brief facts of the prosecution case are that on 26.01.2017 complainant Ghulam Murtaza Narejo lodged a report at the police station, stating therein that in the year 2012 he had purchased 1750 square feet plot of land from the Applicant for a sale consideration of Rs.660,000/-. Subsequently, the complainant learnt that the Applicant had sold the same land to someone else. The complainant approached the Applicant who told him that, he would either return the complainant's money or he would sell him another plot. On 28.08.2016, the Applicant gave the complainant a cheque bearing number 11105378 drawn on Silk Bank Larkana branch and post-dated as 27.09.2016. The same cheque was dishonored twice i.e. on 27.09.2016 and 26.01.2017.

I have heard the learned counsel for the Applicant as well as the learned D.P.G and have also examined the record with their assistance. The complainant and his counsel remained absent. My observations are as follows.

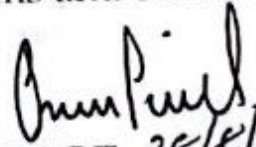
It is an essential ingredient of Section 489-F PPC that a cheque dishonestly issued and dishonored should be towards the satisfaction of a loan or an obligation of the giver. The learned DPG has very



frankly conceded that there is no evidence on record to show that the property transaction claimed by the complainant actually took place. There is no evidence that the complainant was the owner of the plot of land since 2012. The complainant has not filed any suit for recovery nor any civil proceedings to enforce his title and to establish his bonafide.

In view of the foregoing, the argument of the learned counsel for the Applicant that the present case has been filed by the complainant solely with ulterior motives and malafide due to ongoing disputes between him and the Applicant, cannot be conclusively ruled out at this stage and the case warrants further enquiry.

Above are the reasons for the short order dated 18.08.2017; in terms of which the Applicant's interim pre-arrest bail granted by this Court on 20.04.2017 was confirmed on the same terms and conditions.

  
JUDGE 28/8/17