

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI
Criminal Bail Application No. 2751 of 2023
(Sikander Nazir v. The State)

Date	Order with signature of Judges
------	--------------------------------

For hearing of bail application

13.05.2024

Mr. Nasir Iqbal, advocate for the applicant
Mr. Mumtaz Ali Shah, Assistant Prosecutor General for the State

It is alleged that the applicant issued a cheque in favour of complainant Salman Saleem worth rupees seven lacs dishonestly; it was bounced by the concerned bank when was presented there for encashment, for which the present case was registered.

The applicant having been refused pre-arrest bail by learned Vth-Additional Sessions Judge, Karachi, Central, has sought the same from this Court by making the instant bail application under section 498 Cr.P.C.

It is contended by learned counsel for the applicant that the applicant is innocent and has been involved in this case falsely and a cheque was issued as security, therefore, the applicant is entitled to be admitted to pre-arrest bail on point of malafide and further inquiry.

None has come forward to advance arguments on behalf of the complainant; however, learned Assistant PG has opposed to grant of pre-arrest bail to the applicant by contending that he has committed the financial death of the complainant by issuing a fake cheque in his favour.

Heard arguments and perused the record.

The FIR of the incident has been lodged with a delay of about 03 days; such delay could not be overlooked. The offence alleged against the applicant does not fall within the prohibitory clause of Section 497 Cr.P.C. The

punishment which the alleged offence entails is imprisonment for three years or fine; if the applicant after due trial is awarded punishment of fine only then the imprisonment which he is likely to undergo on account of refusal of pre-arrest bail to him would be somewhat extra. The case has finally been challaned and there is no allegation of misusing the concession of interim pre-arrest bail on the part of the applicant. In these circumstances, a case for grant of pre-arrest bail to the applicant on the point of further inquiry and malafide is made out.

Consequent to the above discussion, while relying upon the case of *Bashir Ahmed v. the State* (2023 SCMR 748), the interim pre-arrest bail already granted to the applicant is confirmed on same terms and conditions.

Instant bail application is disposed of accordingly.

J U D G E