

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI
Criminal Bail Application No. 692 of 2024
(Hassan v. The State)

Date	Order with signature of Judges
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For hearing of bail application

14.05.2024

Syed Zaeem Hyder, advocate for the applicant
Mr. Mahmood Farooq Channa, advocate for the complainant
Mr. Mumtaz Ali Shah, Assistant Prosecutor General for the State

It is alleged that the applicant and others issued two cheques worth Rs.13,50,000/- dishonestly in favour of complainant Mst. Asia Kamran; their stepmother to satisfy her right of inheritance over the property left by her late husband; those were bounced by the concerned bank when were presented there for encashment, for which the present case was registered.

The applicant having been refused pre-arrest bail by learned IXth-Additional Sessions Judge, Karachi, South, 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 by the complainant otherwise he has nothing to do with the subject cheques, therefore, he is entitled to be admitted to pre-arrest bail on point of malafide and further inquiry, which is opposed by learned Assistant PG and learned counsel for the complainant by contending that the applicant was in league with co-accused Noman and both of them by practising fraud have deprived the applicant of the right of her inheritance over the property left by her late husband.

Heard arguments and perused the record.

The FIR of the incident has been lodged with a delay of about 01 year; such a delay could not be overlooked. The cheques have not been issued by the applicant. 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 a fine; if the applicant after due trial is awarded the 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 the same terms and conditions.

Instant bail application is disposed of accordingly.

J U D G E