

ORDER SHEET  
**IN THE HIGH COURT OF SINDH,**  
CIRCUIT COURT, HYDERABAD.

Cr. Bail Application No.S-228 of 2016.

<b>DATE</b>	<b>ORDER WITH SIGNATURE OF JUDGE</b>
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<u>16.08.2017.</u>	For hearing.
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Applicant is present on bail.  
Mr. Ashfaqe Ahmed Korejo, Advocate files Vakalatnama on behalf of applicant, which is taken on record.  
Mr. Shahid Ahmed Shaikh, D.P.G for the State.  
None present for the complainant.

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ABDUL MALIK GADDI,J- Applicant/accused is on interim pre-arrest bail granted to him by this Court vide order dated 31.3.2016. Today this bail application is fixed for confirmation or otherwise.

2. The allegation against the applicant/accused is that he issued a cheque of Rs.100,000/-in favour of the complainant, but the same was bounced as per endorsement of Bank authorities.

3. It is stated by the learned counsel for the applicant that applicant/accused is innocent and he has falsely been involved in this case due to dispute over business transaction between the applicant and the complainant party. He further submits that there is delay of about 2 months in lodging the F.I.R. and that alleged offence does not fall within prohibitory clause of section 497, Cr.P.C. He further submits that in this matter initially four accused were nominated in the F.I.R, but during investigation three were let off by the I.O. and present accused has been challaned in this case malafidely. He further submits that in this matter, the trial Court has recorded the statements of I.O and the complainant and this accused is appearing before the trial Court regularly, therefore, he was of the view that interim pre-arrest bail already granted in favour of the applicant be confirmed.

4. Learned D.P.G. for the State has half-heartedly opposed this bail application.

5. I have given my anxious thoughts to the arguments advanced by learned counsel for the applicant as well as learned D.P.G and perused the record.

6. It is an admitted fact that the alleged incident took place on 12.10.2015 and the F.I.R. was lodged on 20.12.2015 after delay of about 2 months, for which no explanation has been furnished by the complainant, therefore, on this ground false implication of the applicant cannot be ruled out. It has been brought on record that initially in this matter, four accused were nominated in the F.I.R. by the complainant, but out of them, three have already been let off by the police during investigation and this applicant/accused has been challaned. It appears from the record that there is dispute in between the parties over business transaction and it is yet to be determined at the time of trial whether the cheque issued by the applicant/accused to the complainant has been falsely or malafidely used by the complainant party or otherwise, therefore, this point needs consideration at the time of trial. In this matter, all offences are either bailable or their punishment provided to, do not fall within prohibitory clause of section 497, Cr.P.C, therefore, under these circumstances, grant of bail is a rule and refusal is an exception. No exceptional ground has been pointed out by learned D.P.G for refusal of bail. It has been brought on record that in this matter, evidence of I.O. and complainant has already been recorded by the trial Court and this applicant/accused is attending the trial Court regularly, therefore, under the circumstances, the applicant has made out a case for confirmation of bail. Accordingly, I confirm the interim pre-arrest bail already extended to the applicant vide order dated 31.3.2016 on the same terms and conditions with direction to the applicant to appear before the trial Court to face the trial and trial Court is directed to conclude the trial within a period of two months in accordance with law after receipt of this order under intimation to this Court through Additional Registrar.

Needless to mention here that the observations made herein above are tentative in nature and shall not affect the merits of the case.

The bail application stands disposed of in the above terms.