

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

Criminal Bail Application No.S-822 of 2017

DATE	ORDER WITH SIGNATURE OF JUDGE
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1. For orders on office objection
2. For Katcha Peshi

26.01.2018.

Mr. Karamullah Memon, Advocate, alongwith applicant.

Shahzado Salim Nahyoon, D.P.G for the State.

None present for complainant.

ABDUL MAALIK GADDI, J: Applicant is present on interim pre-arrest bail granted to him by this Court vide order dated 05.10.2017. Today this bail application is fixed for confirmation or otherwise.

The allegation against the applicant is that he issued three cheques of different dates of Rs.10,000/- each to complainant and on presentation these cheques were bounced.

It is stated by the learned Counsel for the applicant that the applicant is innocent and has falsely been involved in this case by the complainant. He further submits that the F.I.R. is delayed about 20 days for which no explanation has been furnished, therefore, according to him false implication of the applicant in this case cannot be ruled out. He further submits that case has been challaned and present applicant is appearing before the trial court, therefore, he prays that interim pre-arrest bail already extended in favour of the applicant may be confirmed.

Learned Deputy Prosecutor General Sindh has opposed this bail application on the ground that the name of the applicant is appearing in the F.I.R. with specific role that he cheated the complainant by issuing fake cheques which were subsequently dishonored.

I have given my anxious thoughts to the contentions raised at the bar and have gone through the case papers so made available before me.

It is an admitted position that the case has been challaned. Applicant is no more required for further investigation. The whole case of the prosecution rests upon the documentary evidence, which is in possession of prosecution, therefore, no question of tampering the evidence arises at the hands of the applicant. I have gone through the punishment provided of said section in the Pakistan Penal Code and am of the considered opinion that the punishment for such offence is three years or fine,

therefore, adequate punishment in the shape of fine is also available in the provisions. Even otherwise, the punishment does not come within the ambit of prohibitory clause of section 497 Cr.P.C, therefore, the applicant has succeeded to make out a case for grant of bail. In this connection I am supported with the case reported as 1999 SCMR 2589, wherein it was held that in offences involving lesser punishment of three years, the accused may be admitted to bail.

Under the circumstances, the applicant has made out a case for confirmation of bail. I, therefore, confirm the interim pre-arrest bail already extended in favour of the applicant by this Court on 05.10.2017 on the same terms and conditions with direction to the applicant to appear before the Trial Court to face the trial.

Before parting with the order I would like to make it clear that observations, if any, made in this order are tentative in nature and shall not affect the merits of the case.

Bail application disposed of.

JUDGE

A.H.