

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

Cr. Bail Application No.S-350 of 2017.

DATE	ORDER WITH SIGNATURE OF JUDGE
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For hearing.

21.08.2017.

Applicant is present on bail.

Mr. Kashif Hussain, Advocate holds brief for Mr. Muhammad Asif Shaikh, Advocate for applicant.

Mr. Shahid Ahmed Shaikh, D.P.G for the State.

Mr. Ghulam Nabi Jarwar, Advocate for the complainant.

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ABDUL MALIK GADDI,J- Applicant/accused is present on interim pre-arrest bail granted to him by this Court vide order dated 09.05.2017. Today this bail application is fixed for confirmation or otherwise.

2. The facts of the case needs not to be reiterated here, as the same are mentioned in the memo of the bail application.

3. It is stated by the applicant that he is innocent and has been falsely involved in this case by the complainant; that there is delay of two months in lodging of F.I.R, which has not been explained by the complainant; that the alleged offence does not fall within prohibitory clause of section 497, Cr.P.C. He also submits that he has been granted interim pre-arrest bail by the trial Court, but the same was recalled without assigning any good reason. He further submits that he is regularly attending the trial Court without his fault and if interim pre-arrest bail already granted in his favour is confirmed, he will not jump the bail.

4. Learned D.P.G. assisted by learned counsel for the complainant has opposed the bail application on the ground that the name of applicant/accused is appearing in F.I.R with specific role of issuance of cheques by applicant/accused, which was dishonoured by the concerned Bank due to `insufficient` balance, therefore, he is not entitled for grant of bail.

5. No doubt, the name of applicant is appearing in F.I.R, but at the same time, it appears from the record that there is dispute between the parties is of

civil nature. In this matter, investigation has been completed and challan against the applicant/accused has already been submitted before the trial Court. This accused is no more required for further investigation. It appears from the record that this applicant is attending the Court regularly. The alleged offence does not fall within prohibitory clause of section 497, Cr.P.C and the punishment provided for such offence is three years, therefore, in the above circumstances, applicant has made out a case for confirmation of bail. I, accordingly confirm the interim order already extended in favour of the applicant on the same terms and conditions with direction to the applicant to appear before the trial Court and face the trial with further direction to the trial Court to conclude the trial within a period of sixty (60) days after receipt of this order and no unnecessarily adjournment shall be granted to either side. Compliance report be submitted to this Court through Additional Registrar.

6. 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.

JUDGE.