

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

Cr. Bail application No.S- 1045 of 2015

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DATE

ORDER WITH SIGNATURE OF JUDGE

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04.10.2017.

Applicant/accused in person  
None present for complainant  
Mr. Shahid Shaikh DPG

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ABDUL MAALIK GADDI, J: Applicant/accused is present on interim pre-arrest bail granted to him by this court vide order dated 12.10.2015. Today this bail application is fixed for confirmation or otherwise.

2- The brief facts of the case are that Wahid Bukhsh s/o Ameer Bukhsh Mari is known to complainant. ON 05.10.2014 complainant alongwith Adil Ali, Allah Rakhio Kori were available at apartment of complainant, in the meantime Wahid Bukhsh came there and he narrated facts with complainant that he has purchased the land and furthermore he has need of amount of Rs.300,000/- which complainant gave him in presence of above named witnesses, in lieu of that Wahid Bukhsh issued a cheque No.10107533 from his account No.1086-0095-002717-5 worth of Rs.300,000/- for encashment dated 15.12.2014 drawn at Al-Habib Bank Limited, the complainant brought the same cheque before the concerned bank for encashment but could not pass due to insufficient balance, thereafter complainant came to Wahid Bukhsh and narrated him whole the facts

on which Wahid Bukhsh kept the complainant on hollow hopes, ultimately on 15.3.2014, the complainant alongwith Adil Ali and Allah Rakio Kori were available at apartment of the complainant where suddenly complainant party saw the accused Wahid Bukhsh and one unknown accused person on motorcycle they came there, on coming applicant/accused pointed out

his pistol and aimed upon complainant by threatening that if complainant ever made demand of his amount, then he will be killed by them, by saying so they caused kicks and lathi blows to complainant, meantime witnesses of complainant intervened and rescued the complainant. Thereafter, accused went away towards their houses. Thereafter complainant approached the Honourable Sessions Court Shaheed Benazirabad and moved an application for registration of FIR on which the Honourable Sessions Court passed order No.38030 and came at police station where lodged present.

3- It is stated by applicant/accused that case against him is false and has been registered due to enmity. He further submits that no such incident whatsoever has been taken place but complainant just on the basis of malafide intention has implicated him and actual facts are that there is dispute of the complainant party with him over the landed property, therefore, just to put pressure upon him, the complainant has shown his involvement in above case. He further submits that there is delay of three months and seventeen days in lodging of FIR which goes to show that same has been filed after due liberation and consultation. He further submits that he issued a cheque to complainant in bonafide although he has already paid balance amount to him. He further submits that he is appearing before the trial court without any substantial progress in the matter.

4- Learned DPG has opposed this bail application on the ground that applicant/accused had issued a cheque of Rs.300,000/- to complainant which was subsequently bounced on its presentation before the concerned bank due to insufficient amount.

5- Heard parties and perused the record.

6- It appears from the record that alleged incident took place on 15.12.2014 whereas FIR was registered on 02.4.2015 after delay of about three months for which no satisfactory explanation has been furnished. It appears from the record that challan against applicant/ accused has already been submitted and applicant/accused is no more required for investigation. It also appears from the record that whole

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the prosecution case is based upon documentary evidence (cheque of Rs.300,000/- which is in possession of prosecution, therefore, no question does arise for tampering the same at the hands of applicant/accused. It also appears from the record that present applicant/accused has been booked in a case falls U/s 489-F PPC for which punishment is not more than three years. Thus it appears that case of applicant/accused does not fall within the prohibitory clause of section 497 Cr.P.C. It is stated by applicant/accused that he is appearing before the trial court without any substantial progress. Nothing exceptional is on record to disentitle the applicant/accused for grant of bail.

7- In view of above, the applicant/accused has made out a case for confirmation of bail. I accordingly, allow this bail application and confirm the interim pre-arrest bail already extended to applicant/ accused on same terms and conditions with directions that applicant/ accused to appear before the trial court and face his trial. Since the matter pertaining to the year 2015, therefore, the trial court is directed to proceed the matter expeditiously and decide the case preferably within the period of three(3) months. No un-necessary adjournment shall be granted to either side. Compliance report be submitted through Additional Registrar of this court.

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

JUDGE

A.Rasheed