

**ORDER SHEET**  
**IN THE HIGH COURT OF SINDH, KARACHI**  
Cr. B. A No.937 of 2018

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Date                      Order with signature(s) of Judge(s)  
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For hearing of Bail Application

17.01.2019.

Mr. Irfan Yaqoob, advocate a/w Applicant.  
Ms. Seema Zaidi, D.P.G.  
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Applicant was on bail before arrest for an offence under **Section 489-F PPC** on account of allegation that he has extended surety of **Rs.56,66000/-** and as guarantee he has extended cheque. Precisely offence under Section 489-F PPC could automatically be established if it is found that on the date of issuing cheque and also on the date for which the cheque was issued the exact amount of the cheque was not available in the account of the applicant. Learned counsel for the applicant admits before the Court that under an agreement the alleged cheque was issued which was dishonored and it was in the nature of guarantee. Meaning thereby that he knew that under the agreement at one point of time he would be under obligation to either pay the amount or ensure the success of the condition mentioned in the agreement. Be that as it may, challan has already been submitted before the trial Court and charge has been framed pending this interim bail.

In view of the above, interim bail cannot continue till final disposal of proceedings in the trial Court. This is abuse of the process of bail before arrest that accused continue on interim bail until he is found guilty or acquittal by the trial Court. Therefore, this interim

bail is confirmed only subject to furnishing surety equivalent to the amount of **Rs.56,66000/-** within **15** days from today. The applicant was admitted on interim bail subject to furnishing surety of **Rs.10,00,000/-** and therefore he should furnish additional surety of Rs.46,66,000/- and personal bond to the satisfaction of trial Court pending the trial. If by the end of **15** days the surety is not deposited the bail should be deemed to have been dismissed and the trial Court would issue warrant of arrest in case the accused is not arrested. Copy of this order may be sent to the trial Court.

JUDGE

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