

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
Cr. Bail Application No.1495 of 2018

DATE ORDER WITH SIGNATURE(S) OF JUDGE(S)

For hearing of bail application

21.01.2019

Mr. Meher Qadir Khan, Advocate files power
on behalf of the applicant Nasir Shah.
Ms. Rahat Ahsan, Addl.P.G. Sindh

Through the instant bail application, applicant/accused Nasir Shah son of Zahir Shah, seeks bail after arrest in **FIR No.199/2018**, under **Sections 489-F PPC** registered at police station Madina Colony, Karachi.

2. Brief facts of the prosecution case as disclosed in the FIR are that on **07.08.2018** complainant Adil Sardar Khan lodged FIR alleging that he gave Rs.50,00,000/- cash to one Nasir Shah, who gave him some profit on different intervals and when he demanded his principle amount, Nasir Shah issued him one cheque of Meezan Bank bearing No.B-10678804, dated **11.6.2018**, which was dishonored by the bank on **13.06.2018** due to insufficient amount and when he demanded his amount, accused refused him.

3. The applicant/accused approached the learned VIII Additional Sessions Judge, West, Karachi, for post arrest bail, which was declined vide order dated **08.09.2018**. Thereafter, the applicant approached this Court for grant of post arrest bail.

4. Learned counsel for the applicant contended that the applicant is innocent and falsely booked in this case by the complainant; that there is delay in lodging FIR; that in fact there was partnership between accused,

complainant and one Munawar Hussain and due to fraud of Munawar Hussain all this had happened and accused had also lodged FIRs against Munawar Hussain.

5. Learned Additional Prosecutor General Sindh argued that since the applicant has committed an offence as such he is not entitled to concession of bail. She opposed the bail application. She has pointed out from the CRO that applicant is also facing two more cases under Section 489-F PPC and therefore, he is not entitled to bail.

6. Learned counsel for the applicant is unable to satisfy the Court that how a lenient view can be taken by the Court against the applicant who is habitual to deceive the different people by giving them cheques. Record shows that two more cases are pending and this is third case under Section 489-F PPC. It gives a strong presumption to the effect that he is in the habit to deceiving people by giving cheque and subsequently he reports to the police that his cheques are missing. In view of these facts applicant / accused is not entitle to any concession, however, at the request of learned counsel he is admitted to bail subject to furnishing solvent surety in the sum of Rs.25,00,000/- (*Rupees Twenty Five lac only*) and P.R bond in the like amount to the satisfaction of trial Court. Rs.25,00,000/- is half of the amount mentioned in the third cheque.

7. Needless to mention here that the observations made hereinabove are tentative in nature and would not influence the trial Court while deciding the case of the applicant/accused on merits.

JUDGE