

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

Cr. Bail Appl: No.S-784 of 2017
Cr. Bail Appl: No.S-785 of 2017
Cr. Bail Appl: No.S-786 of 2017

DATED	ORDER WITH SIGNATURE OF JUDGE
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26.01.2018

Mr. Aijaz Shaikh, Advocate for applicant
Mr. Shahid Ahmed Shaikh, DPG

OMAR SIAL, J.- Applicant has sought post-arrest bail in Crime No. 83 of 2014, crime No.142 of 2014 and crime No.18 of 2015, all three registered u/s 489-F and 504 PPC. All three bail applications arise from the same transaction therefore, I will dispose them of through this common order.

2. Brief facts of the case are that the complainant Muhammad Ismail entered into a sale transaction in terms of which he agreed to sell property bearing survey Nos. 398 and 399, situated in Deh Mirzapur Tapo Shah Bukhari admeasuring 2 acres and 23 ghuntas to the applicant Shahid Solangi (Applicant) for a sale consideration of Rs.2,90,000,00/- (Two Crore and Ninety Lac). The applicant issued various cheques to the complainant, which cheques when presented for encashment at the bank counter were returned with the endorsement that there were insufficient fund in Shahid Solangi's account. The detail of dishonoured cheques are:-

1. In criminal bail application No.784 of 2017, cheque No.14124921 dated 19.01.2015 for an amount of Rs.15,00,000/- drawn on Market branch of Bank Al-Falah, Hyderabad.
2. In criminal bail application No.785 of 2017, cheque No.1412918 for an amount of Rs.15,00,000/- dated 10.01.2014 and cheque No.14124919 for an amount of Rs.15,00,000/- dated 19.01.2015, both drawn on Market branch of Bank Al-Falah Hyderabad.
3. In criminal bail application No.786 of 2017, cheque No.28556634 for an amount of Rs.3,50,000/-, cheque No.28556635 for an amount of Rs.3,50,000/-, cheque No.28556644 for an amount of Rs.5,00,000/- and cheque No.28556637 for an amount of Rs.5,00,000/-, all four cheques drawn on Market branch of Bank Al-Falah, Hyderabad.

The aforementioned FIRs were registered.

6. I have heard learned counsel for the Applicant as well as learned DPG and have examined the available record with their able assistance. Learned counsel for the complainant remained absent despite notice. My observations are as follows:

7. The essential requirement of Section 489-F are:-

- i. a cheque issued dishonestly;
- ii. towards repayment of a loan of fulfilment of an obligation.
- iii. which is dishonoured on presentation.

8. Upon a query from the learned D.P.G, whether the prosecution was at this stage in possession of any evidence (a receipt, document, agreement etc.) which would show that the cheques were issued for the property transaction, the learned D.P.G replied that at the movement there appears to be none. This issue will have to be decided after evidence is led.

9. The offence with which the applicant is charged carries a punishment of upto 3 years imprisonment and hence, not false within the prohibitory clause of section 497 Cr.P.C.

10. In view of the above, the case of the applicant is one of further enquiry therefore, falls within the ambit of section 497(2) Cr.P.C.

11. Above are the reasons for my short order dated 26.01.2018 in terms of which applicant was admitted to post arrest bail subject to his furnishing a solvent surety in the amount of Rs. 1,00,000 (One Lac) and P.R. Bond in the like amount in each case to the satisfaction of the learned trial court.

JUDGE