

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI

Criminal Bail Application No.259 of 2019

Date	Order with signature of Judge
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For hearing of bail application.

10.04.2019

Mr. Javed Ahmed Shar, advocate for the applicant.
Applicant/accused is present on bail.
Ms. Rubina Qadir, D.P.G for the State.

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NAZAR AKBAR, J. The applicant/accused is facing trial in **Crime No.232/2018** under Section 420, 489-F, 34 of the PPC registered at P.S. Steel Town, Karachi. The applicant after failing to obtain confirmation of interim bail from the Court of V-Additional Sessions Judge, Malir Karachi has preferred this bail application.

2. Brief facts of the case as spelt out from the FIR are that on 14.09.2018 at 0030 hours, complainant Mukhtiar Ali lodged instant FIR at P.S Steel Town, stating therein that he is doing business of sale and purchase of properties. Four months ago, he met one Shahid Soomro, from whom he executed a sale agreement in respect of a house and paid Rs.13,00,000/- as sale consideration amount. Thereafter complainant came to know that the said house owned by another person. Thereafter he demanded his money back from Shahid Soomro. His partner Muhammad Saleem made sure the complainant that he is owner of said house and will hand over the possession of the house to him, but instead of handing over the house, he issues a cheque No.00043644 amounting to Rs.10,00,000/- of Bank Islamic. On 11.09.2018 when complainant deposited the said cheque in his account in MCB Phase-01 Gulshan Hadeed Branch, the same was dishonored due to insufficient fund/balance, hence this FIR.

3. I have heard the learned counsel for the applicant and perused the record. Notice was issued to the complainant for **07.3.2019** but no one turned up, even today none is present on behalf of the Complainant.

4. Bail is confirmed on the same terms and conditions on the ground that there is delay of more than four days in lodging of FIR for an offence under **Section 489-F PPC** for which no plausible explanation has been given by the complainant in the FIR. The cheque was issued in relation to sale transaction. The offence is punishable by imprisonment for three years and it does not fall within the prohibitory clause.

5. In view of the above facts and circumstances, interim bail earlier granted to the applicant by this Court by order dated **20.02.2019** is hereby confirmed on same terms and conditions.

6. Needless, to mention here that the observations made hereinabove are tentative in nature and should not influence trial Court while deciding the case of the applicant/accused.

JUDGE

SM