

ORDER-SHEET
IN THE HIGH COURT OF SINDH, KARACHI
Crl. Bail Application No. 1203 of 2018.

Date of hearing	Order with signature of Judge
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03.07.2019.

Syed Zafar Ali Shah, advocate for the applicant
Mr. Sagheer Ahmed Abbasi, APG.

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FAHIM AHMED SIDDIQUI, J: This order will suffice for disposal of the instant bail application filed by the applicant Abdul Shakoor son of Abudlu Ghafoor. The applicant is seeking relief of pre-arrest bail in a case registered against him through FIR No. 108/2018 at Police Station Aziz Bhatti, Karachi under Sections 489-F & 420 PPC, as his such plea was declined by the lower forum.

2. The learned advocate for the applicant and the learned Prosecutor argued the matter at length. After considering their submissions and consulting the available record, I have observed as under:

- a) The allegation against the applicants is that he was the partner of the complainant in a business and regarding such business transection, he has given the complainant a cheque of Rs. 500,000/-. The said cheque could not be encashed due to insufficient funds in the account of the applicant.
- b) The business transaction is admitted within the body of FIR and in terms of business, the alleged cheque was claimed to be given to the complainant as security for his share in the business.
- c) The main ingredient of an offence under Section 489-F PPC is the 'dishonestly' issuance of cheque, which in the present circumstance, needs further probe.
- d) It is admitted within the body of FIR that the cheque was given as security and it is also admitted that there was business transection, as such apparently not only ingredient of dishonesty but also loan and future

obligations are missing and at the most it may be a simple case of 420 PPC.

3. In view of the above observation, I am of considered opinion that a case of pre-arrest bail has been successfully made out, hence the interim bail order dated 02-04-2018 in favour of the applicant is confirmed on the same terms and conditions.

4. Before parting, I would like to make it clear that if the applicant after confirmation of pre-arrest bail will not appear before the trial Court and the trial Court is satisfied that the applicant becomes absconder and fugitive to law, then the trial Court is fully competent to take every action against the applicant and his surety including cancellation of bail without making a reference to this Court.

5. These are the reasons for my short order dated 03-07-2019 and I would like to make it clear that, the above observations are purely tentative in nature, and the same is only for the purpose of disposal of instant pre-arrest bail application and would have no impact or effect on either party's case during trial.

**JUDGE**

Dated: \_\_\_\_\_