

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD
Cr.B.A.No.S-785 of 2018

DATE	ORDER WITH SIGNATURE OF JUDGE
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1. For orders on office objection
2. For hearing of main case.

19.08.2019.

Syed Shafique Ahmed Shah, advocate for applicant.
Ms. Safa Hisbani, A.P.G.
Mr. Ashok Kumar, advocate for complainant.
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Irshad Ali Shah J;- It is alleged that the applicant dishonestly issued a cheque worth rupees seventy lacs in favour of complainant Qamaruddin, it was bounced when was presented before the concerned Bank for encashment for that he was booked and reported upon.

2. The applicant on having been refused pre arrest bail by the learned Ist Additional Sessions Judge, Hyderabad has sought for the same from this court by way of instant application under Section 498 Cr.P.C.

3. It is contended by the learned counsel for the applicant that the applicant being innocent has been involved in this case falsely by the complainant in order to satisfy his dispute with him over settlement of account; the FIR of the incident has been lodged with delay of about 08 months and offence is not falling within prohibitory clause of section 497(2) Cr.P.C. By contending so, he sought for pre-arrest bail for the applicant on point of further enquiry and malafide. In support of his

contention he has relied upon case of ***Muhammad Akram vs the State & others (2014 SCMR 1369)***).

4. Learned A.P.G for the State and learned counsel for the complainant have opposed to grant of pre-arrest bail to the applicants by contending that the applicant had deprived the complainant of huge amount.

5. I have considered the above arguments and perused the record.

6. The FIR of the incident has been lodged with delay of about 08 months, such delay could not be lost sight of. Apparently the parties are disputed over settlement of account relating to sale and purchase of the Cars. The investigation of the case is over. The offence alleged obviously is not falling within prohibitory clause of section 497(2) Cr.P.C. In these circumstances, the applicant is found entitled to grant of pre-arrest of bail on point of further enquiry and malafide.

7. In view of above, the interim pre-arrest bail already granted to the applicant is confirmed on same terms and conditions.

8. The instant application is disposed of accordingly.

JUDGE