

**ORDER SHEET  
IN THE HIGH COURT OF SINDH AT KARACHI**

Criminal Bail Application No. 1733 of 2017

Date	Order with Signature of the Judge
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For hearing of bail application.

Heard on	:	14.02.2018
For Applicant	:	Mr. Muhammad Nishar Warsi, Advocate.
For complainant	:	Mr. Abdul Karim Lakhair, Advocate
For State	:	Mr. Muntazir Mehdi, DPG

**Mrs. Kausar Sultana Hussain, J.**:- On dismissal of bail Application No. 1137/2017, by the trial Court, vide order dated 26.10.2017, the applicant Adeel Shaban Hirani has approached this Court, by filing instant bail application under Section 497 Cr.P.C, for post-arrest bail in case FIR No. 63/2016, under Section 489-F, 420, 34 PPC, registered at P.S. Taimuria, Karachi.

2. Story of the prosecution in nutshell is that complainant Syed Anasuddin lodged FIR on 18.03.2016 at about 1245 hours and alleged therein that he does private job in Jadeed ul Islam Secondary School, Orangi Town, Karachi as teacher. On 10.05.2015 he entered into an agreement of investment with Khurram Shaban Hirani of Al-Muslim Petroleum Services and invested an amount of Rs. 7,00,000/- against the monthly profit but after payment of profit for two months he did not pay any profit. His mother namely Mst. Aman Begum D/o. Mirza Ahmed Baig also invested the amount of Rs. 1,08,000/- in Al-Muslim Petroleum but she has also not received any profit upon above amount. After that Adeel Shaban gave him two cheques bearing No. 10416272 amounting to Rs. 4,00,000/- dated 15.02.2016 of Bank Al-Habib Ltd, Bufferzone Branch, Karachi and 10416273 amounting to Rs. 3,70,000/- dated 25.02.2016 of Bank Al-Habib Ltd, Bufferzone Branch, Karachi. After that when he presented the above cheques then the same were bounced, due to which he filed petition bearing No. 219/2016 before the Hon'ble II-Additional Sessions Judge Karachi Central and now he has come for report after obtaining order.

3. Learned counsel for the applicant/accused has argued that admittedly, there was an agreement between the parties on the basis of running business of investment, made by the complainant and his mother in the business of accused, on the basis of monthly profit. Learned counsel for the applicant/accused has also admitted that cheques were issued by the applicant/accused in the name of the

complainant and his mother, which were bounced but infect by mistake he has issued these cheques related with his account, which had already been closed by him. Learned counsel for the applicant/accused has pointed out that the complainant has lodged this FIR with the delay of one month for which he has given no explanation, therefore, the matter requires further inquiry. On the last learned counsel for the applicant/accused has prayed for release of the applicant/accused on bail, as according to him he is in jail since October 2016 and he is ready to furnish surety against his release, if granted by this Court. He relied upon the case law reported in 2011 SCMR 1708-SC (Riaz Jafar Natiq Vs. Muhammad Nadeem Dar & Ors) and 2009 SCMR 1488 SC (Zafar Iqbal Vs. Muhammad Anwar & Ors).

4. Learned D.P.G. has strongly opposed the bail application on the ground that the applicant/accused and his brother are habitual to issue these types of cheques of the same account, which he has already closed, in this regard learned counsel for the complainant, who was assisting the learned D.P.G. produced several cheques issued by the applicant/accused to the several persons and according to him these cheques were bounced. He has also produced the pamphlet of Jammait-ul-Muslimeen, which shows that the applicant/accused and his brothers are indulged in the business of fraud, therefore, through this pamphlet they have warranted the people to be careful while dealing business with the applicant/accused and his brothers. Lastly, he prayed for rejection of bail application of the applicant/accused.

5. After hearing arguments and perusal of record it reveals that FIR of the complainant was lodged on 18.03.2016 on direction of learned ADJ-II, Karachi Central under petition No. 219/2016, filed by the complainant U/s. 22-A Cr.PC, while the incident was happened between 15.02.2016 to 25.02.2016. Admittedly the accused Adeel Shaban Hirani has issued two cheques to the complainant for the sum of Rs. 4,00,000/- and Rs. 3,70,000/-. These two cheques were presented in Bank Al-Habib Ltd, Buffezone Branch, Karachi on the same day of its issuance but both cheques were bounced with endorsement that "Account closed". The applicant/accused neither denied issuance of these cheques nor execution of the agreement between them. After lodging FIR the applicant/accused become fugitive of law and was arrested on 16.10.2017 after lapse of considerable time. Learned DPG has pointed out while arguing that applicant/accused has issued number of cheques to several persons which were also bounced and he is habitual for issuance these type of cheques. He has also produced a pamphlet issued by Jamat-ul-

Muslimen wherein the conduct of applicant/accused and his brothers is mentioned. According to which they are habitual to commit fraud and usurp lac of rupees of several persons. Since applicant/accused has concealed himself in order to avoid his arrest for a long time and deliberately issued cheques of such account which he has already closed. Learned counsel for the applicant replied upon the case law of Zafar Iqbal Vs. Muhammad Anwar reported in 2009-SCMR 1488. Facts of this citation are different from the facts of present case.

6. Whatever mentioned above, I reached at the irresistible conclusion that the applicant is not entitled to grant of bail. Consequently, the instant bail application is dismissed.

7. Before parting, it needs not to make clarification that the observations recorded above are tentative in nature, therefore, the trial court shall not be influenced in any manner whatsoever.

Above are the reasons of short order dated: 14.02.2018.

J U D G E