

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

Criminal Bail Application No.S-1118 of 2020

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<b>DATE</b>	<b>ORDER WITH SIGNATURE OF JUDGE</b>
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1. For orders on office objections.
2. For hearing of main case.

**21.12.2020.**

Mr. Muhammad Jamil Ahmed, Advocate for the applicant.  
Mr. Shahid Ahmed Shaikh, D.P.G for State.  
Mr. Pervaiz Tariq Tagar, advocate for complainant.  
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**Irshad Ali Shah J.-** It is alleged that the applicant issued cheques dishonestly, those were bounced when were presented before the concerned Bank for encashment by complainant Nazeer Ahmed, for that the present case was registered

2. The applicant on having been refused pre-arrest bail by learned V<sup>th</sup> 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 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 grudge with him being co-employee; the FIR has been lodged with delay of about 05 years and offence alleged against the applicant 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 the cases of

***Abdul Ghafoor Gondal Vs. The State through P.G. Punjab and another (2020 SCMR 861) and Muhammad Ismail Vs. The State (2020 MLD 839).***

4. Learned Deputy Prosecutor General, Sindh for the State and learned counsel for the complainant have opposed to grant of bail to the applicant by contending that he has deprived the complainant of his money by practicing fraud and cheating.

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

6. The FIR of the incident has been lodged with delay of about five years; such delay having not been explained plausibly could not be overlooked. The offence alleged against the applicant is not falling within prohibitory clause of section 497(2) Cr.P.C. The case has finally been challaned and the applicant has joined the Trial. In these circumstances, a case for grant of bail to the applicant on point of further inquiry and malafide obviously is made out.

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 bail application is disposed of accordingly.

JUDGE

*Muhammad Danish Steno\**



