

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

Criminal Bail Application No.S-1195 of 2020

DATE	ORDER WITH SIGNATURE OF JUDGE
	For hearing of main case.

**21.12.2020.**

Mr. Masood Rasool Babar Memon, Advocate for the applicant.  
Mr. Shahid Ahmed Shaikh, Deputy Prosecutor General, Sindh  
for State.

Mr. Bhagwan Das Bheel, advocate files Vakalatnama on behalf of  
complainant taken on record.

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**Irshad Ali Shah J.-** It is alleged that the applicant issued a cheque dishonestly, it was bounced when was presented before the concerned Bank for encashment by complainant Zameer Hussain, for that the present case was registered

2. The applicant on having been refused pre-arrest bail by learned IV<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 dispute with him over settlement of account; the FIR has been lodged with delay of about 10 months; the 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.

4. Learned Deputy Prosecutor General, Sindh for the State and Advocate for the complainant have opposed to grant of pre-arrest 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 ten months; 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\*