

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

Criminal Bail Application No.S-939 of 2020

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

21.12.2020

Mr. Muneer Ahmed Rajper, Advocate for applicant.

Mr. Shahid Ahmed Shaikh, Deputy Prosecutor
General, Sindh for the 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 Ishfaque Hussain Shah, for that the present case was registered.

2. The applicant on having been refused post arrest bail by learned Vth Judicial Magistrate Hyderabad and IIIrd Additional Sessions Judge, Hyderabad has sought for the same from this Court by making instant application under section 497 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 party on account of dispute over settlement of account; the F.I.R has been lodged with delay of about five days and offence alleged against the applicant is not falling within the prohibitory clause of section 497 Cr.P.C and the applicant is in the custody since four months, therefore, he is entitled to grant of bail on point of further inquiry. In support of his contention, he has relied upon the case of ***Zafar Iqbal Vs. Muhammad Anwar and others (2009 SCMR 1488)***.

4. Learned D.P.G for the State and learned counsel for the complainant have opposed to grant of bail to the applicant by contending that he is habitual offender.

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

6. The F.I.R of the incident has been lodged with delay of about five days such delay could not be overlooked. The offence alleged against the applicant is not falling within the prohibitory of section 497 Cr.P.C and the applicant is said to be in custody since four months. The case is finally challaned and there is no apprehension on the part of

applicant to tamper with the evidence. In these circumstances, a case for grant of bail to the applicant on point of further inquiry obviously is made out.

7. In view of above, the applicant is admitted to bail subject to his furnishing surety in sum of Rs.100,000/- (Rupees one Lac) and PR bond in the like amount to the satisfaction of learned trial Court.

8. The instant Criminal Bail Application stands disposed off.

JUDGE

Muhammad Danish Steno*