

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

Criminal Bail Application No.S-161 of 2020

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

22.12.2020.

Mian Taj Muhammad Keerio, Advocate for the applicant.
Ms. Sobia Bhatti, Assistant Prosecutor General, Sindh for State.
Mr. Ghulam Nabi Meo, Advocate for the complainant.

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Irshad Ali Shah J.- It is alleged that the applicant issued a cheque in favour of complainant Mst. Shehnaz for her share in succession, dishonestly, it was bounced when was presented before the concerned Bank for encashment, for that the present case was registered.

2. The applicant on having been refused pre-arrest bail by learned Sessions Judge, Mirpurkhas 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 her matrimonial dispute with him; the FIR has been lodged with delay of about one month; the offence alleged against the applicant is not falling within prohibitory clause of section 497(2) Cr.P.C and the very case is at the verge of its final disposal. 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 ***Rehmatullah Vs. The State and another (2011 SCMR 1332)***.

4. Learned Assistant Prosecutor General, Sindh for the State and learned counsel 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 one month; 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 is at the verge of its final disposal. 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*