

**ORDER SHEET**  
**IN THE HIGH COURT OF SINDH, KARACHI**  
**Criminal Bail Application No.1002 of 2021**

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*Date* *Order with signature of Judge*

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*For hearing of Bail Application.*

**08.09.2021**

Mr. Gul Muhammad Farooqi, Advocate a/w Applicant (on bail).  
Syed Meeral Shah, Addl. Prosecutor General, Sindh.  
Complainant Shaikh Muhammad Haris Siddiqui, present in person.

**ORDER**

**Muhammad Saleem Jessar, J:-** Through this application, applicant Muhammad Muzammil seeks his admission on pre-arrest bail in Crime No.597/2021 of Police Station Gulistan-e-Jauhar, Karachi, under Section 489-F PPC. The bail plea preferred by the applicant before first forum was declined by means of order dated 19.05.2021, hence this bail application.

Since the facts of the prosecution case are already mentioned in the FIR, which is annexed with Court file, therefore, there is no need to reproduce the same.

Learned counsel for the applicant submits that the disputed cheque belongs to father of the accused namely Muhammad Riaz and said Muhammad Riaz has been bailed out by the Court of Sessions. As far as, allegation against applicant is concerned, neither the cheque was issued by him nor signature over it is of the applicant. Therefore, the case against applicant requires further inquiry; hence, he prays for confirmation of the bail.

On the other hand, learned Addl. P.G, Sindh appearing for the State, opposes the bail application on the ground that he and his father have deceived with complainant party by usurping amount in question and thereby; had issued a bogus cheque which was not honoured by the Bank concerned.

Complainant Shaikh Muhammad Haris Siddiqui, present in person, also opposes the bail application and submits that cheque belongs to the account of his father Muhammad Riaz, who has been bailed out by the trial

Court; whereas, signature over the disputed cheque was got put by the applicant through an stranger; hence, he is not entitled for the bail.

**Heard arguments and perused record.** Since the cheque in dispute is of one Muhammad Riaz and he has been granted pre-arrest bail by the first forum. As far as, allegations against applicant are concerned, same are yet to be determined by the trial Court after recording evidence of the parties. The offence with which applicant stands charged carries maximum punishment up to three years, therefore, does not exceed limits of prohibitory clause of section 497 Cr.P.C. The applicant, after furnishing surety before this Court, has surrendered before the trial Court where case against him is pending for trial.

The upshot of above discussion is that entire evidence of the prosecution is based upon documents, which are in custody of the prosecution itself; hence, I am of the view that case against applicant/accused requires further inquiry within the parameters of subsection 2 to section 497 Cr.P.C. Consequently, instant bail application is hereby allowed; interim bail granted earlier to applicant **Muhammad Muzammil son of Muhammad Riaz** on 04.06.2021 is hereby confirmed on same terms and conditions.

Before parting with this order; however, it is clarified that the reasoning given in this order are tentative in nature and will have no effect whatsoever in any manner upon the merits of the case.

Applicant present before the Court is directed to continue his appearance before the trial Court without negligence and in case he may misuse the concession or may temper with the prosecution's evidence then the trial Court is competent to take legal action against him as well to his surety in terms of Section 514 Cr.P.C. Trial Court is also hereby directed to make necessary arrangements for securing attendance of the prosecution witnesses and conclude the trial within shortest possible time under intimation to this Court through MIT-II.

Let copy of this Order be communicated to trial Court through learned Sessions Judge, concerned. Learned MIT-II to ensure compliance.

**JUDGE**