

**IN THE HIGH COURT OF SINDH, CIRCUIT COURT,  
HYDERABAD.**

Criminal Bail Application No.S-938 of 2021

Applicant : Imdad Ali Son of Muhammad Haroon Mallah, through Mrs. Razia Ali Zaman Patoli, Advocate.

Respondent : The State through Ms. Safa Hisbani, Assistant Prosecutor General, Sindh.

Complainant : Mohsin Son of Khar Muhammad through Mr. Muhammad Hashim Laghari.

Date of hearing : **04.11.2021**

Date of Order : **04.11.2021**

**O R D E R**

**AMJAD ALI SAHITO, J:-** Through the instant bail application, the applicant/accused above named seeks his pre-arrest bail in Crime No.213 of 2021, under section 489-F P.P.C, registered at P.S Sakrand, after his bail plea was declined by the learned 3<sup>rd</sup> Additional Sessions Judge, Shaheed Benazirabad, vide order dated 12.10.2021.

2. The details and particulars of the F.I.R. are already available in the bail application and F.I.R., same could be gathered from the copy of F.I.R. attached with such application, hence needs not to reproduce the same hereunder.

3. Per learned counsel the applicant/accused is innocent and he has not committed the alleged offence; that F.I.R is delayed with seven days without any plausible explanation; that there is no vehicle was given to applicant/accused nor he purchased the same and did not cheque in question and that the offence does not fall within the ambit of prohibitory clause of section 497 Cr.P.C. She lastly prayed for confirmation of interim pre-arrest bail.

4. On the other hand, learned counsel for the complainant submits that there is documentary evidence available against the applicant/accused and he is habitual as he has also cheated another person such F.I.R being Crime No.201 of 2021 under section 489-F P.P.C registered at P.S. Sakrand also registered against him. He lastly prayed for dismissal of interim pre-arrest bail.

5. I have heard learned counsel for the applicant as well as counsel for the complainant and Assistant Prosecutor General, Sindh having also gone through the material available on record.

6. From perusal of record it reflects that the applicant/accused has purchased a Cultus Car Model 2014 in sum of Rs.15,00,000/- out of which he has paid an amount of Rs.200,000/- as an advance and for remaining amount he has given a Cheque bearing No.3438377 of his account No.1691-07 of MCB Limited Sakrand Branch dated 28.09.2021. The applicant has impugned order dated 12.10.2021 of Crime No.201 of 2021, wherein I have dismissed the bail application of present applicant while the instant crime number is 213 of 2021, therefore, instant Criminal Bail Application is also dismissed. Consequently, the interim pre-arrest bail earlier granted to the applicant/accused vide order dated 18.10.2021 is hereby re-called.

7. Needless to mention here that the observations made hereinabove are tentative in nature and would not influence the learned Trial Court while deciding the case of the applicant on merits.

JUDGE

*Muhammad Danish\**