

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

Criminal Bail Application No.S-820 of 2021

Applicant : None present.

Respondent : The State through Mr. Nazar Muhammad Memon, Additional Prosecutor General, Sindh.

Date of hearing : 12.11.2021
Date of Order : 12.11.2021

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.150 of 2021, under section 489-F P.P.C, registered at P.S Sanghar, after his bail plea was declined by the learned 2nd Additional Sessions Judge, Sanghar, vide order dated 07.09.2021.

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. None present for the applicant even his counsel is called absent and no intimation is received. From perusal of record it reflects that the applicant/accused purchased the chaff weighing 1300 monds in total consideration amounting to Rs.5,50,000/- and in lieu thereof he had issued a cheque bearing No.39506528 dated 15.04.2021 of his account No.9154000001246553 of J.S Bank Sanghar amounting to Rs.5,50,000/- but on presentation by the complainant in his account No.1094009500621001 maintain in Bank Al-Habib Sanghar the same was dishonoured and he received such memo, hence the ingredients of section 489-F P.P.C are very much applicable in this case. Further the applicant knew that his account is closed even then he issued said cheque which shows that he had no intention to pay the outstanding amount to the complainant. The 161 Cr.P.C statements of PWs have supported fully the version of the complainant. No record is available which may point out any mala fide or animosity by the complainant against the applicant which is requirement for grant of pre-arrest bail. It is well settled principle of law that the deeper appreciation of evidence is not permissible at the bail stage and only tentative assessment is to be made. Sufficient material is available on the record, which connect the applicant with the alleged offence. It am taking guideline from the case law

reported as *Rana ABDUL KHALIQ Vs. The STATE and others [2019 S C M R 1129]*

wherein the Hon'ble Supreme Court of Pakistan has held as under:

“Grant of pre-arrest bail is an extra ordinary remedy in criminal jurisdiction; it is diversion of usual course of law, arrest in cognizable cases; a protection to the innocent being hounded on trump up charges through abuse of process of law, therefore a petitioner seeking judicial protection is required to reasonably demonstrate that intended arrest is calculated to humiliate him with taints of mala fide; it is not a substitute for post arrest bail in every run of the mill criminal case as it seriously hampers the course of investigation..... the principles of judicial protection are being faithfully adhered to till date, therefore, grant of pre-arrest bail essentially requires considerations of malafide, ulterior motive or abuse of process of law.”

4. In view of above discussion, the applicant/accused has failed to make out a good case for confirmation of interim pre-arrest bail. Consequently, the bail application is dismissed and the interim pre-arrest bail earlier granted to the applicant/accused vide order dated 17.09.2021 is hereby re-called.

5. 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