

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

Criminal Bail Application No.S-317 of 2022

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

22.04.2022

Mr. Sajjad Ali Memon, Advocate for applicant.
Ms. Safa Hisbani, Assistant Prosecutor General, Sindh.
Barrister Izhar Hameed Memon, Advocate for the complainant.

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Irshad Ali Shah J.- It is alleged that the applicant issued cheque in favour of complainant Muhammad Aslam 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 post arrest bail by learned Judicial Magistrate-III Hyderabad and Model Criminal Trial Court-I, Hyderabad has sought for the same from this Court by way of instant application u/s 497 Cr.PC.

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 his dispute with him over the sale and purchase of the property; the F.I.R of the incident has been lodged with delay of about 11 days and offence alleged against the applicant is not falling within prohibitory clause of Section 497 Cr.PC. By contending so, he sought for release of the applicant on bail on point of further enquiry. In support of his contentions, he relied upon case of *Jehanzeb Khan Vs. The State through A.G Khyber Pakhtunkhwa and others (2020 SCMR-1268)*.

4. Learned A.P.G. for the State and learned counsel for the complainant have opposed to release of the applicant on bail by contending that the applicant has committed financial death of the complainant by depriving him of his valuable property and money and offence is falling within exceptional clause.

5. Heard arguments and perused the record.

6. The FIR of the incident been lodged with delay of about 11 days; such delay having not been explained plausibly could not be overlooked. The civil litigation between the parties is said to be pending before the Civil Court having jurisdiction. The offence alleged against the applicant is not falling within prohibitory clause. The case has been challaned finally and there is no apprehension of tampering with the evidence on the part of applicant. No exceptional clause is available which may justify withholding the concession of bail to the applicant in case like present one. The guilt of the applicant obviously is calling for further inquiry.

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

8. The instant criminal bail application is disposed of accordingly.

JUDGE

Muhammad Danish*