

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

Criminal Bail Application No.S-283 of 2022

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

**22.04.2022**

Mr. Ayaz Hussain Tunio, Advocate for applicant.  
Ms. Safa Hisbani, Assistant Prosecutor General, Sindh.  
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**Irshad Ali Shah J.-** It is alleged that the applicant issued two cheques in favour of complainant Fareed Ahmed dishonestly, those were bounced when were 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-I Tando Allahyar and 1<sup>st</sup> Additional Sessions Judge, Tando Allahyar 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 settlement of account; the F.I.R of the incident has been lodged with delay of about two months 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. None has appeared on behalf of the complainant despite service of notice upon him. However, learned A.P.G. for the State has 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 money.

5. Heard arguments and perused the record.

6. The FIR of the incident been lodged with delay of about two months; such delay having not been explained plausibly could not be overlooked. The parties are said to be disputed over settlement of account. 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. 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\*