

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

Criminal Bail Application No.S-292 of 2022

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

29.04.2022

Mr. Shafqat Rahim Rajput, Advocate for applicant.
Ms. Sana Memon, Assistant Prosecutor General, Sindh.
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Irshad Ali Shah J.- It is alleged that the applicant issued cheque in favour of complainant Muneer Ahmed 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 Civil Judge & Judicial Magistrate/Judge Consumer Protection Court Hyderabad and Additional Sessions Judge/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 is innocent, his cheque book was stolen and then misused by the complainant; the F.I.R of the incident has been lodged with delay of about more than 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 to advance arguments. 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.

5. Heard arguments and perused the record.

6. The FIR of the incident been lodged with delay of more than two months; such delay having not been explained plausibly could not be overlooked. 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. In these circumstances, 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*