

ORDER SHEET

IN THE HIGH COURT OF SINDH, KARACHI

Criminal Bail Application No. 1981 of 2021

DATE

ORDER WITH SIGNATURE OF JUDGE

For hearing of bail application

13.07.2022

Mr. Shah Imroz Khan advocate for the applicant

Mr. Muhammad Iqbal Awan Addl. P.G

It is alleged that the applicant had issued a cheque in favour of complainant Naseer Ahmed dishonestly, it was bounced by the concerned Bank, when was presented there for encashment. On having been refused pre-arrest bail by learned Additional Sessions Judge-XII, Karachi East, the applicant has sought for the same from this Court by way of instant application u/s 498-A Cr.P.C.

It is contended by learned counsel for applicant that the applicant being innocent has been involved in this case falsely by the complainant after committing theft of his cheque book; offence alleged the applicant is not falling within the prohibitory clause and very proceedings of the case have been stopped by learned Magistrate. By contending so, he sought for pre-arrest bail for the applicant.

None has come forward to advance arguments on behalf of the complainant, however, learned Addl. P.G for the state has opposed to grant of pre-arrest bail to the applicant by contending that he has committed financial death of the complainant.

Heard arguments and perused the record.

The FIR of the incident has been lodged with delay of about three months, such delay having not been explained plausibly could not be overlooked; the civil litigation between the applicant and the complainant is pending adjudication before the civil court having jurisdiction and the trial proceedings of very case now has been stopped by the learned trial Magistrate. In these circumstances, a case for grant of pre-arrest bail in favour of the applicant on point of malafide obviously is made out.

In view of above, the interim pre-arrest bail already granted to the applicant is confirmed on the same terms and conditions.

The instant bail application is disposed of accordingly.

JUDGE