

ORDER SHEET
IN THE HIGH COURT OF SINDH BENCH AT SUKKUR
Cr. B. A. No. S – 287 of 2018

Date of hearing	Order with signature of Judge
-----------------	-------------------------------

1. For orders on office objection at Flag-A
2. For hearing of bail application

11.06.2018

Mr. Fakhur Din Dahraj, Advocate for the applicant / accused.
Mr. Aijaz Ali Jarwar, Advocate for the complainant.
Mr. Zulfiqar Ali Jatoi, Additional Prosecutor General for the State.

Through instant application, applicant seeks post arrest bail in Crime No.56/2018 of Police Station Halani under Section 489-F, PPC.

It is alleged that applicant and complainant were having business transaction. Accordingly, applicant issued cheque of Rs.31,50,000/- (Thirty one lac fifty thousand) in favour of complainant and same was dishonored on presentation. Memorandum of bank, shows that account was dormant. Learned counsel for applicant by relying upon 2011 SCMR 1708, contends that dispute is of civil nature, hence, this case falls within scope of further inquiry as well as offence does not fall within prohibitory clause. In contra, learned counsel for complainant contends that quantum of sentence if not falling within prohibitory clause, cannot be considered as sole ground for grant of bail. Learned Additional Prosecutor General concedes.

There is not cavil in proposition of law that bail in if not falling in prohibitory clause can be refused if such case is of extra ordinary nature and pertaining to the crime against society. In instant case, there is issuance of cheque; apprehension of repetition of offence or involvement in other cases is not agitated. Embargo as provided under Section 497, Cr. P.C. Sub-Section 1 is only the offences which are falling within prohibitory clause, hence, bail is right and refusal is an exception. Reliance can be placed on PLD 1997 SC 34. Accordingly, applicant is admitted to post-arrest bail in the sum of Rs.5,00,000/ (Five lacs) and P.R. bond in the like amount to the satisfaction of learned trial Court.

The bail application is disposed of in the above terms.