

ORDER SHEET

IN THE HIGH COURT OF SINDH, CIRCUIT COURT HYDERABAD

Cr. Bail Application No.S-152 of 2022

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

29.08.2022.

Applicant is present on ad-interim pre-arrest bail.
Mr. Shabir Hussain Hashmi, Advocate for applicant.
Mr. Hemandas S. Sanghani, Advocate for complainant.
Mr. Imran Ali Abbasi, Assistant P.G.

O R D E R

MUHAMMAD IQBAL KALHORO, J- Applicant is owner of Madina Enterprise Agency dealing with bond business, where complainant went on 29.04.2020 and gave him bonds of Rs.20,00,000/- against which he gave him Rs.14,00,000/- in cash and two cheques each Rs.3,00,000/- with two different dates i.e. 08.02.2020 and 08.03.2020 respectively which on presentation were dishonoured, hence this case. FIR is delayed for more than one and half years. The story narrated by the complainant does not appeal to the prudent mind and the question as to why he accepted cheques against prize bonds is to be determined by the trial Court, when admittedly the applicant was not the only agency dealing in same business in the market.

2. Citing these grounds, learned Defence Counsel has pleaded for bail opposed by the complainant's Counsel. However, learned A.P.G does not oppose the bail. In view of above, delay in FIR plus peculiar facts of the case, the element of mala fide on the part of complainant cannot be ruled out. Consequently, this application is allowed and ad-interim pre-arrest bail already granted to the applicant is hereby confirmed on same terms and conditions.

3. The observations made hereinabove are tentative in nature and shall not influence the trial Court while deciding the case on merits.

JUDGE