

**ORDER SHEET**  
**IN THE HIGH COURT OF SINDH, CIRCUIT COURT HYDERABAD**  
Cr. Bail Application No.S-1090 of 2021

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

13.12.2021.

Applicant is present on interim pre-arrest bail.  
Mr. Nazar Muhammad Memon, Additional P.G.

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MUHAMMAD IQBAL KALHORO, J.- Applicant is accused of issuing a cheque of Rs.300,000/- to the complainant in repayment of loan which was dishonoured and he was booked in this case. However, learned Addl. P.G has admitted that in the investigation no evidence regarding extending loan by the complainant to the applicant has been collected. It has also not been found out that what were the terms and conditions of the loan given to the applicant. Except collecting endorsement from the bank regarding dishonoring of cheque, there is otherwise no evidence available that this cheque was issued by the applicant in repayment of loan.

2. Applicant's Counsel has chosen to remain absent but I have heard the applicant in person so also learned Addl. P.G who has submitted the arguments as above. The police papers also do not show as to before whom the loan was given by the complainant to the applicant and on what terms. All these facts seen together make the case against the applicant to be one of further inquiry, because admittedly until and unless it is prima facie established that cheque was given in repayment of loan or in fulfillment of any obligation, the case under Section 489-F PPC itself will not be made out. In these circumstances, the application is allowed and the interim pre-arrest bail already granted to the applicant is hereby confirmed, subject to furnishing solvent surety as stipulated in order dated 30.11.2021.

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

JUDGE

Shahid

