

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD
Criminal Bail Application No.S-1036 of 2022

<u>DATE</u>	<u>ORDER WITH SIGNATURE OF JUDGE</u>
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14.10.2022

Mr. Hussain Bux Solangi advocate for applicant along with applicant on ad-interim pre-arrest bail.

Complainant present in person.

Ms. Sana Memon, Assistant Prosecutor General.

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MUHAMMAD IQBAL KALHORO, J.- Applicant is Sub-Engineer in Highway Department. He undertook to get complainant's daughter admitted in Medical College against Self-Finance Seat and received an amount of Rs.24,00,000/- from him for this purpose. However, he thereafter disappeared and when complainant insisted him to return the money, he gave him Rs.4,00,000/- in cash and 4 cheques of Rs.5,00,000/- each amounting to Rs.20,00,000/-. Complainant has submitted that he presented 2 cheques for encashment in Bank but they were dishonored. Hence this case.

2. Learned defense counsel has submitted that the applicant is a government servant and he has already filed a civil suit against complainant on the basis of an agreement of final settlement between the parties.

3. Complainant present submits that this agreement has been forged by applicant with his fake signature and still he has not returned his money; he had disappeared for 6 months after receiving money and after a lot of efforts he was able to locate him.

4. Learned Assistant PG has opposed bail citing prima facie evidence against applicant.

5. I have considered submissions of parties and am of the view that the applicant is not entitled to concession of pre-arrest bail. There is prima facie evidence in the shape of dishonored cheques which he has failed to explain. The Civil Suit between the parties appears to be aimed at obfuscating his liability which he owes to

the complainant. No case for extraordinary concession of pre-arrest bail is made out.

6. Accordingly, this application is dismissed and applicant's ad-interim pre-arrest bail granted to him vide order dated 04.10.2022 is hereby recalled.

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

JUDGE