

## IN THE HIGH COURT OF SINDH AT KARACHI

Present:

**Mr. Justice Amjad Ali Sahito**

Criminal Bail Application No.1770 of 2022

Applicant : Raheel Iqbal Adenwala S/o Iqbal  
Muhammad Adenwala through Mr. Abdul  
Hafeez Sandhu, Advocate

Complainant : Muhammad Maroof S/o Khan Zaman  
through Mr. Jamshed A. Shaikh,  
Advocatae

Respondent : The State  
through Mr. Siraj Ali Khan, Addl.  
Prosecutor General, Sindh

Date of hearing : 04.01.2023

Date of order : 04.01.2023

### **ORDER**

**AMJAD ALI SAHITO, J** -- Through this Bail Application, applicant/accused seeks pre-arrest bail in FIR No.249/2022 registered under Section 489-F PPC at PS Gizri, Karachi, after his bail plea has been declined by Addl. Sessions Judge-XI, Karachi South vide order dated 03.09.2022.

2. The details and particulars of the FIR are already available in bail application and the FIR, as such, need not to reproduce the same hereunder.

3. Per learned counsel for the applicant, applicant/accused is innocent and has falsely been implicated in this case; that one Mst. Rehmat Khatoon was the owner of land 45 acres in Sindh and complainant purchased the said land through her attorney Shaikh Muhammad Irfan Qazi as such the role of the applicant/accused was only as surety on behalf of Dr. Adeeb Ahmed, who was responsible to make clear the land from the litigation pending in the Court; that the applicant/accused handed over some undated cheques as surety as per agreements and there is no eye witness to such claim of complainant; that there is no reasonable ground to

believe that applicant/accused has committed such offence; that the offence does not fall within the prohibitory clause of Section 497 Cr.P.C. He lastly prays for confirmation of bail to the applicant/accused. He has placed reliance in the case of Muhammad Tanveer vs. The State and another (PLD 2017 Supreme Court 733), Mansoor Mumtaz Khilji vs. The State and another (2016 PCRLJ 769), Muhammad Asif vs. State & another [PLJ 2020 Cr.C. (Note) 134], Moiz Naseem vs. The State (2019 YLR Note 53), Zulfiqar Ali vs. The State and another (2017 YLR Note 84), Anees Ahmed Khan vs. The State (2020 PCRLJ 268), Mian Allah Ditta vs. The State and others (2013 SCMR 51), Riaz Jafar Natiq vs. Muhammad Nadeem Dar and others (2011 SCMR 1708), Malik Muhammad Asim vs. The State and another (2016 PCRLJ 392), Hamid Khan vs. The State and 2 others (2022 MLD 31), Shaikh Rehan Ahmed vs. Judicial Magistrate-II South Karachi and 2 others (2019 MLD 636) and order passed in C.P. No.D-1005 of 2012 by the High Court of Sindh, Circuit Court, Hyderabad.

4. On the other hand, learned Addl. P.G. duly assisted by learned counsel for the complainant vehemently oppose for confirmation of bail on the ground that the applicant/accused is directly involved in the case and he executed agreement with the complainant and received payment from the complainant so also he handed over the cheque to the complainant. They further contended that applicant/accused knowingly issued cheques without insufficient amount in his account; that there is documentary evidence available against the applicant/accused; that there is no denial by the applicant/accused regarding issuance of cheques.

5. I have heard the learned counsel for the parties and have gone through the material available on record.

6. The case of prosecution is that the complainant has purchased a land of 45 acres situated in Sindh from one Rehmat Khatoon with sale consideration of 9 crore thereafter, such sale consideration was made on assurance of the present applicant/accused that this entire land is free from litigation and Court's proceedings, but later on, complainant party came to know that Court's proceedings are pending on the said land, as such, he

has claimed return of the paid amount from the applicant/accused, to which he had given Cheque No.A-39949994, which was dishonoured at the time of its presentation on the basis of 'insufficient funds'. Hence, ingredients of section 489(F) are very much applicable in this case. At bail stage, only a tentative assessment is to be made and deeper appreciation is not permissible. No ill-will or malafide has been shown on the part of complainant which is requirement for grant of pre-arrest bail. In this context, reliance is also placed to the case of '**Rana Abdul Khaliq v. The State and others**' [2019 SCMR 1129]. Prima facie sufficient material is available on record to connect the applicant with commission of the alleged offence.

7. In view of the above, the applicant has failed to bring his case for further inquiry as envisaged under subsection (2) of section 497, Cr.P.C. Consequently, the interim pre-arrest bail granted by this Court to the applicant/accused vide order dated 07.09.2022 is hereby recalled and the bail application is **dismissed**.

8. The cases relied by learned counsel for the complainant is distinguishable from the facts and circumstances of the present case.

9. Needless to mention here that the observations made hereinabove are tentative in nature and would not influence the learned trial Court while deciding the case of the applicant on merits.

JUDGE

Kamran/PA