

ORDER SHEET  
**IN THE HIGH COURT OF SINDH CIRCUIT COURT  
HYDERABAD**

Criminal Bail Application No.S-528 of 2023

<b>DATE</b>	<b>ORDER WITH SIGNATURE OF JUDGE</b>
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For orders on office objection.  
For hearing of main case.

15-06-2023

Mr. Muhammad Imran Arain advocate for applicant along with applicant, who is present on interim pre-arrest bail.

Mr. Imran Ahmed Abbasi, A.P.G. Sindh.

Mrs. Razia Ali Zaman Patoli, advocate for complainant along with complainant.

**MUHAMMAD IQBAL KALHORO, J:** - Complainant carries on fertilizer business and applicant is a shopkeeper. He purchased fertilizer from complainant on loan and gave him a cheque of Rs.1578000/- of his account in ABL Qazi Ahmed against it, which was dishonored on presentation in the bank. Complainant approached the applicant, he promised to pay him the amount in due course but finally refused and when complainant approached police for registration of FIR, he was shown a door. Hence, ultimately, he filed an application before Justice of Peace and succeeded in obtaining direction for registration of FIR.

**2.** Applicant's counsel submits that he is innocent has been falsely implicated in this case; there is delay in registration of FIR; he has already paid some of the amount to the complainant; there is contradiction in the story disclosed in FIR and the story narrated in application for registration of FIR.

**3.** On the other hand, learned counsel for complainant and Assistant P.G. have opposed bail.

**4.** I have considered submissions of the parties and perused material available on record. There is sufficient evidence against the applicant of issuing cheque to the complainant against loan which on presentation in the bank was dishonored. The allegations have been investigated and the I.O. has found truth in it and has referred applicant to the Court for trial therefore. Delay has been properly explained as applicant kept the complainant on hopes and promised to return the amount but when he refused and the police did not lodge FIR, he was pushed to approach the Court. No case of relief of pre-arrest bail, an extraordinary relief to save innocent from arrest, is made out as there is apparently no *mala fide* on the part of complainant to falsely implicate the applicant in the case. Accordingly,

application is **dismissed** and the interim pre-arrest bail granted to the applicant vide order dated 26.05.2023 is hereby recalled.

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

JUDGE

\*Abdullah Channa/PS\*