

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

Criminal Bail Application No.S-569 of 2023

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

20-06-2023

Applicant is present on interim pre-arrest bail.

Power of Mian Taj Muhammad Keerio, advocate filed on behalf of applicant is taken on record.

Ms. Safa Hisbani A.P.G. Sindh.

Mr. Haq Nawaz Jamari, advocate for complainant along with complainant.

MUHAMMAD IQBAL KALHORO, J: - Applicant is an employee of HESCO, whereas complainant is stated to be a landlord. In FIR he has alleged that applicant approached him and disclosed some controversy in his accounts and obtained loan of Rs.1,200,000.00 (Rupees twelve lacs only) to settle the same and against which he issued him a cheque of Rs.1,200,000.00 (Rupees twelve lacs only). Allegedly, neither he returned amount nor the cheque on presentation in the bank was honored. Hence this FIR.

2. I have heard applicant in person as his counsel Mian Taj Muhammad Keerio advocate, who has filed power is reportedly busy in some other Court and his junior is present. It is stated that applicant is innocent has been falsely implicated in this case. Applicant states that even he does not know the complainant and at the instance of one Umer Farooque with whom his brother had a dispute over some business matter, he has been falsely implicated in this case. His cheque book was stolen by his brother who had given its leafs to the complainant and he has misused the same. On the contrary, his argument has been opposed by Assistant P.G. and learned counsel for the complainant.

3. I have considered submissions of the parties and perused material available on record. There is *prima facie* evidence in shape of dishonored cheque of Rs.1,200,000.00 (Rupees twelve lacs only). The story narrated by the applicant does not seem to be plausible *prima facie* as there is nothing on record to support it. Even in the investigation, it appears that no such plea was taken by the applicant that his cheque book was stolen by his brother and who had given the subject cheque to the complainant. On the contrary, the Challan

shows that applicant remained absconder and failed to join the investigation and to put up his defense as alleged by him here. In presence of such facts coupled with *prima facie* evidence, applicant is not entitled to the concession of pre-arrest bail, which is meant to save an innocent from arrest in a non-bailable offence.

4. Accordingly, this bail application is **dismissed** and the interim pre-arrest bail granted to the applicant vide order dated 02.06.2023 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