

Order Sheet

IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

Cr. Bail Appln: No.S-172 of 2023

Cr. Bail Appln: No.S-221 of 2023

| DATE | ORDER WITH SIGNATURE OF JUDGE(S) |
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For orders on office objection

For hearing of main case

03.04.2023

Applicant Shahjehan is present on ad-interim bail in Cr. Bail Application No.S-172/23 and Mr. Muhammad Saleem Laghari advocate files power on his behalf, which is taken on record

Mr. Taj Muhammad Keerio advocate for applicant in Cr. Bail Application No.S-221/23.

Mr. Muhammad Iqbal Qasar advocate along with complainant.

Mr. Abdul Waheed Bijarani A.P.G. for the State along with ASI /I.O. Mureed Khan PS Talhar.

MUHAMMAD IQBAL KALHORO,J- Complainant is a business man (dealing in different crops). Applicant Gul Hassan, who is not present today, acting as a middle man sold paddy of complainant worth more than ninety lacs rupees to one Dhalo Mal, Seth Amar Wanio and Suresh Wanio on deferred payment. When complainant demanded his money from Gul Hassan, he gave him a cheque of Rs.9,50,000/- of account of applicant Shahjehan Laghari (as first installment). This cheque on presentation in the bank was dishonoured, resulting in registration of F.I.R against the applicants.

Learned counsel for the applicants have argued that applicants have been falsely implicated in this case; there is no evidence against them of commission of any offence; complainant in respect of one cheque has implicated as many as five accused; the offence does not fall within prohibitory clause of section 497, Cr.P.C; F.I.R. is delayed for about 15 days, therefore, malafide on the part of complainant cannot be ruled out. Their arguments have been opposed by learned counsel for the complainant and learned A.P.G as well as Investigating Officer who is present in this case.

I have heard parties and perused the material available on record. Investigating Officer present in the Court has submitted that during investigation, he recorded statements of Dhalo Mal, Seth Amar Wanio and Suresh who admitted to have purchased paddy from complainant through Gul Hassan Laghari, to whom they had paid the entire amount of more than ninety lac rupees. But Gul Hassan did not hand over the said amount to the complainant, and instead he gave him a cheque of Rs.9,50,000/- of his brother in law Shahjehan Laghari who is also his partner, prima facie they both

conjointly have played fraud upon the complainant and deprived him of his valuables. The investigation papers disclosing such facts are available, as per Assistant Prosecutor General, which show prima facie that the applicants are guilty of the alleged offence. Sufficient and reasonable evidence has been collected by the Investigating Officer against them. The applicants, while working co-jointly in prosecution of their common intention, forwarded to the complainant a cheque which on presentation was dishonored.

In view of such prima facie evidence, applicants are not entitled to concession of pre-arrest bail which is meant only to protect innocent persons who on account of malafide on the part of the complainant have been implicated in some criminal case. Such proposition in the present case in view of prima facie reasonable evidence against the applicants is not attracted. Accordingly, these bail applications are dismissed and ad-interim pre-arrest bail granted to the applicants vide orders dated 22.02.2023 and 08.03.2023 are hereby recalled.

JUDGE