

ORDER SHEET
IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR
 Crl. Bail Application No.S-761 of 2023
 (*Habibullah Mirbahar Vs. The State*)

For hearing of Bail Application
04-12-2023.

Mr. Ajeebullah Junejo advocate for the applicant.
 Mr. Ali Ahmed Khan, advocate for the complainant.
 Mr. Shafi Muhammad Mahar, Deputy P.G for the State.

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Irshad Ali Shah, J;- It is alleged that the applicant issued a cheque in favour of complainant Rafiq Ahmed dishonestly, it was bounced by the concerned Bank, when was presented there for encashment, for that the present case was registered.

2. The applicant on having been refused Pre-Arrest bail by learned IInd Additional Sessions Judge/Gender Based Violence Court, Sukkur, has sought for the same from this Court by way of instant Crl. Bail Application under Section 498-A Cr.P.C.

3. It is contended by learned counsel for the applicant that the applicant being innocent has been involved in this case falsely by the complainant and offence alleged against him is not falling within prohibitory clause; therefore, he is entitled to be admitted to pre-arrest bail on point of further inquiry and malafide. In support of his contention, he has relied upon case of *Bashir Ahmed Vs. The State and another* (2023 SCMR 748).

4. Learned DPG for the State has recorded no objection to grant of pre arrest bail to the applicant. However learned counsel for the complainant has opposed to grant of pre arrest bail to the applicant

by contending that he has committed financial death of the complainant.

5. Heard arguments and perused the record.

6. The FIR of the incident has been lodged with delay of 11 months; that too after having a recourse u/s 22 A/B Cr.P.C. It reflects consultation. The parties are said to be disputed over sale and purchase of a car, such dispute could not be lost sight of. The offence alleged against the applicant entails imprisonment for three years or with fine; if after due trial, the applicant is awarded punishment of fine only then the sentence which he is likely to undergo on account of refusal of pre arrest bail to him would be somewhat extra. The case has finally been challaned. The applicant has joined the trial and there is no allegation of misusing the concession of interim pre arrest bail on his part. In these circumstances, a case for grant of pre-arrest bail to the applicant on point of further inquiry and malafide obviously is made out.

7. In view of above, the interim pre-arrest bail already granted to the applicant is confirmed on the same terms and conditions.

8. The instant Crl. Bail Application is disposed of accordingly.

Judge

