ORDER SHEET

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

Cr. Bail App. No. S - 536 of 2022

Date of hearing Order with signature of Judge

For hearing of bail application

25.08.2023

Mr. Alam Sher Bozdar, Advocate for applicant along with applicant Abdul Ghafoor. Complainant Ali Gohar, present in person. Mr. Shafi Muhammad Mahar, Deputy Prosecutor General.

Muhammad Iqbal Kalhoro, J. – Allegedly, applicant purchased a tractor trolley from complainant and gave him a cheque of Rs.16,00,000/- (*Rupees sixteen lac*) in lieu thereof, which on presentation in the relevant bank was dishonoured. Complainant thereafter approached the applicant, but he kept him on hopes, and finally, he after obtaining an order under Section 22-A & B, Cr.P.C. registered FIR.

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2. Applicant's Counsel submits that there is a delay of one year in registration of FIR. Applicant has already returned tractor trolley to the complainant through stamp paper, which he has filed through statement.

3. On the other hand, complainant submits that the copy of stamp paper is fabricated. He has not signed it and his thumb impression is fake. Learned Deputy Prosecution has opposed the bail.

4. After considering arguments of parties, I am of the view that applicant is not entitled to concession of pre-arrest bail, meant only to save innocent persons from arrest in non-bailable offences, in which they have been apparently falsely implicated. Purchasing tractor trolley from complainant does not appear to be disputed. The only ground taken in defence is that the same was returned to the complainant. But complainant present has categorically denied it and submits that fabricated stamp paper has been filed in the Court, which *prima facie* appears to be correct as in the police papers, such stamp paper is not available and applicant failed to submit the same before the Investigating Officer for investigation. The delay in FIR has properly been explained and in view of presence of reasonable grounds against applicant in the shape of dishonoured cheque and positive investigation report, he is not entitled to concession of bail. Accordingly, instant bail application is **dismissed**.

5. Needless to mention here that observations as above are tentative in nature and not meant to affect merits of the case before the trial Court.

Abdul Basit

JUDGE