

ORDER SHEET
IN THE HIGH COURT OF SINDH BENCH AT SUKKUR
Cr. Bail App. No. S – 110 of 2023

Date of hearing	Order with signature of Judge
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For hearing of bail application

1. For orders on office objections at Flag-A
2. For hearing of bail application.

15.09.2023

Mr. Ubedullah Malano, Advocate for applicant along with applicant.

Mr. Noor Muhammad Memon, Advocate for complainant along with complainant.

Mr. Shafi Muhammad Mahar, Deputy Prosecutor General.

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Muhammad Iqbal Kalhoro, J. – The parties are known to each other. Allegedly, complainant sold a Corolla Altis Car (Model-2018) to applicant against sum of Rs.35,00,000/- (*Rupees thirty five lac*). He paid him Rs.8,00,000/- (*Rupees eight lac*) and gave him a cheque of Rs.27,00,000/- (*Rupees twenty seven lac*), which, on presentation in the bank for encashment, was dishonoured; hence, FIR.

2. Learned Counsel for applicant submits that the applicant has paid to the complainant entire amount except Rs.5,00,000/- (*Rupees five lac*), which he could not pay to him as he went bankrupt. He has filed a photostat copy of some *faisla* to prove this point. His arguments have been opposed by the learned Counsel for complainant and learned Deputy Prosecutor General.

3. Insofar payment of money against the cheque is concerned, no such proof has been submitted and, *prima facie*, the applicant appears to be involved in the alleged offence. The complainant is present and totally denies receiving any payment from the applicant.

4. *Prima facie*, the evidence, in the shape of dishonoured cheque and 161 CrPC statements of witnesses, support the allegation against the applicant, and he is not entitled to concession of pre-arrest bail, an extra ordinary relief, which is to be given to innocent persons who have been implicated falsely, to save them from arrest, in a non-bailable offence.

5. Accordingly, this bail application is **dismissed** and interim pre-arrest bail earlier granted to applicant by this Court vide order dated 22.02.2023 is hereby recalled.

6. The observations, as above, are tentative in nature and not meant to affect merits of the case before the trial Court.

Abdul Basit

J U D G E