

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI
Criminal Bail Application No. 2309 of 2023
(Muhammad Ismail versus The State)

Date	Order with signature of Judges
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For hearing of bail application

08.05.2024

Mr. Ashraf Ali Shah, advocate for the applicant
Mr. Muhammad Akram, advocate for the complainant
Mr. Mumtaz Ali Shah, Assistant Prosecutor General for the State

It is alleged that the applicant being employee with the complainant Muhammad Fawad at his furniture shop committed breach of trust by selling his furniture to certain customers, utilized such amount for his gain; on the unearthing of such fraud he besides returning some amount in cash, issued a cheque worth Rs.5,40,000/- in favour of the complainant, it was bounced by the concerned bank when was presented there for encashment, for which the present case was registered.

The applicant, on refusal of pre-arrest bail by learned IIIrd-Additional Sessions Judge, Karachi South, has sought the same from this Court by making the instant bail application u/s 498 Cr.P.C.

It is contended by learned counsel for the applicant that the applicant is innocent and has been involved in this case falsely by the complainant and the FIR of the incident has been lodged with considerable delay, therefore, the applicant is entitled to be admitted to pre-arrest bail, which is opposed by learned Assistant Prosecutor General for the State and the learned counsel for the complainant by

contending that the applicant has committed the financial death of the complainant.

Heard arguments and perused the record.

The FIR of the incident has been lodged with considerable delay; such delay could not be overlooked. The offence alleged against the applicant does not fall within the prohibitory clause. 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 the point of further inquiry and malafide is made out.

In the case of *Meeran Bux vs. The State and another* (PLD 1989 SC-347), it is held by the Apex Court that;

“Accused remained on bail for more than one year without abusing the concession in any manner before the bail was cancelled by the High Court---Order of High Court cancelling pre-arrest bail granted to accused was set aside by the Supreme Court in circumstances”

Under the given circumstances, the interim pre-arrest bail already granted to the applicant is confirmed on the same terms and conditions.

Instant bail application is disposed of accordingly.

J U D G E