

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI
Criminal Bail Application No. 559 of 2024
(*Muhammad Shakeel versus The State*)

Date _____ Order with signature of Judges _____

For hearing of bail application

09.05.2024

Syed Ijtaba Hussain, advocate for the applicant
Mr. Jamshed Iqbal, advocate for the complainant
Ms. Seema Zaidi, Additional Prosecutor General for the State

It is alleged that the applicant issued two cheques worth rupees one crore and sixty-four lacs in favour of complainant Muhammad Kashif, those were bounced by the concerned bank when were presented there for encashment, for which the present case was registered.

The applicant having been refused post-arrest bail by the Courts below, has sought the same from this Court by making the instant bail application under section 497 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; cheques were obtained from the applicant by putting him under pressure, therefore, he is entitled to be released on bail on point of further inquiry, which is opposed by learned Addl. PG for the State and learned counsel for the complainant by contending that the applicant had committed the financial death of the complainant by issuing fake cheques in his favour dishonestly. In support of their contentions, they relied upon the case of *Muhammad Siddique v. Imtiaz Begum and 2 others* (2002 SCMR 442). It is on point of *Zina*.

Heard arguments and perused the record.

The FIR of the incident has been lodged with a delay of more than one month; such delay could not be overlooked. The offence alleged against the applicant does not fall within the prohibitory clause of Section 497 Cr.P.C. The punishment which the alleged offence entails is imprisonment up to three years or a fine; if the applicant after the due trial is awarded the punishment of fine only then the imprisonment which he is undergoing would be somewhat extra. Civil litigation between the parties is pending before the Civil Court having jurisdiction. The case has finally been challaned. The applicant has been in custody for six months without effective progress in the trial of this case. There is no likelihood of absconsion or tampering with the evidence on the part of the applicant. In these circumstances, a case for the release of the applicant on bail on point of further inquiry is made out.

Under the given circumstances, while relying upon the case of *Noman Khaliq v. the State (2023 SCMR 2122)*, the applicant is admitted to bail subject to furnishing surety in the sum of Rs.200,000/- (Rupees Two Lacs only) and P.R bond in the like amount to the satisfaction of the learned trial Court.

Instant bail application is disposed of accordingly.

J U D G E