

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI
Criminal Bail Application No. 710 of 2024
(*Mazharuddin Qazi versus The State*)

Date	Order with signature of Judges
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1. For orders on MA No.3973/2024
2. For hearing of bail application

15.05.2024

M/s. Uzair AK. Ghori and Ahtashamul Hassan, advocates for the applicant
Mr. Hyder Farooq Jatoi, advocate for the complainant
Mr. Mumtaz Ali Shah, Assistant Prosecutor General for the State

It is alleged that the applicant and complainant Majeedullah had a partnership with each other; the applicant allegedly invested a sum of rupees six crores owned by the complainant with his friend Adnan; on demand of his money, he issued eight cheques for the said amount in favour of the complainant dishonestly, those were bounced by the concerned banks 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 who was his employee by committing the theft of his cheques, therefore, he is entitled to be released on bail on point of further inquiry, which is opposed by learned Assistant 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 and case is ripe for evidence.

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. There appears to be a business transaction between the parties. The case has finally been challaned. The applicant has been in custody for three months without effective progress in the trial of his 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 his furnishing surety in the sum of Rs.500,000/- (Rupees Five Lacs only) and P.R bond in the like amount to the satisfaction of the learned trial Court.

The instant bail application is disposed of accordingly.

J U D G E