

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI
Criminal Bail Application No. 338 of 2024
(Syed Muhammad Kashir Hashmi v. The State)

Date

Order with signature of Judges

For hearing of bail application

29.05.2024

Mr. S. Ghulam Hasnain, advocate for the applicant

Mr. Ahmed Hussain Jokhio, advocate for the complainant

Mr. Mumtaz Ali Shah, Assistant Prosecutor General for the State

It is alleged that the applicant issued a cheque worth Rs.10,00,000/- in favour of the complainant Hamza Baig; 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 Vith-Additional Sessions Judge, Karachi Central, 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; the FIR of the incident has been lodged with a delay of about seven months and the offence alleged against the applicant does not fall within the prohibitory clause, 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 by issuing a fake cheque in his favour dishonestly.

Heard arguments and perused the record.

The FIR of the incident has been lodged with a delay of about seven months; such delay could not be overlooked. The offence alleged against the applicant entails the punishment of imprisonment up to three years or a fine. If the applicant after due trial is awarded the punishment of fine only then the imprisonment which he is likely to undergo on account of refusal of pre-arrest bail to him would be somewhat extra. The parties were having a business transaction and civil litigation between them is pending. 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.

Under the given circumstances, while relying upon the case of *Bashir Ahmed v. the State* (2023 SCMR 748), 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