

IN THE HIGH COURT OF SINDH CIRCUIT COURT MIRPURKHAS

CrI. Bail Application No.S-187 of 2024

DATE	ORDER WITH SIGNATURE OF JUDGE
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1. For orders on office objection.
2. For hearing of main case.

21.08.2024

Mr. Shareef Bheel, advocate a/w applicant.
Mr. Arjan Das, advocate a/w complainant.
Mr. Dhani Bakhsh Mari, Assistant P.G Sindh.
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ORDER

Adnan-ul-Karim Memon, J: Through the instant bail application, the applicant Nehal has approached this court for a grant of pre-arrest bail in terms of Section 498-Cr.P.C in F.I.R No.117/2024 registered for the offense under Section 489-F P.P.C registered with PS Umerkot City. His earlier bail plea was declined by the trial court vide order dated 29.05.2024 on the premise that the applicant had admitted the amount and thereafter he issued a cheque in favor of the complainant which on presentation in the bank was dishonored and his name appearing in the FIR as accused of the subject crime. However, the applicant approached this court and was admitted on ad-interim pre-arrest bail vide order dated 07.08.2024.

2. Learned counsel for the applicant states that it is an admitted position that in the F.I.R the subject amount had been given as a loan amount and the cheque was issued as a guaranty, therefore, no case U/S 489-F PPC is made out; however, he has been saddled with the criminal liability, though case falls under civil liability. He pleaded malafide on the part of the complainant and police who are bent upon arresting the applicant to humiliate and disgrace him.

3. Today learned counsel representing the complainant put his appearance and stated that if the security amount is secured, he will have no objection. Learned Assistant P.G Sindh is of the same view.

4. I have heard the learned counsel for the parties and perused the material available on the record. Since the offense, U/S 489-F P.P.C is punishable up to three years and no fruitful result would come out by sending the applicant/accused behind bars for an indefinite period.

5. In view of the above, the interim pre-arrest bail granted to the applicant/accused vide order dated 07.08.2024 is hereby confirmed on the same terms and conditions, subject to his furnishing his additional surety in the sum of Rs.1,50,000/- (Rupees One Lac and fifty thousand only) and P.R bond in the like amount to the satisfaction of learned Additional Registrar of this Court within one week. Learned trial court is directed to conclude the trial within one month positively and if the charge has not been framed, the same shall be framed on the date so fixed by the trial Court. In case of failure on the part of the trial Court, the matter shall be referred to the MIT for placing the same before the competent authority for appropriate order on the administrative side.

6. The observation record herein above, is tentative which shall not prejudice the case of either party at trial.

JUDGE

Faisal