

ORDER SHEET
IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR
Crl. Bail Application No.S-875 of 2023
(*Syed Tasawar Abbas Shah Vs. The State*)

For hearing of Bail Application.

25-03-2024.

Mr. Maqsood Ahmed Simair, advocate for the applicant.

Mr. Ajeebullah Junejo, advocate for the complainant.

Syed Sardar Ali Shah Rizvi, Additional P.G for the State.

>>>>>>...<<<<<<<<

Irshad Ali Shah, J;- It is alleged that the applicant received Rupees Twenty five lacs from complainant Mst. Zakia for admission of her daughter Mst. Zoya in Medical College, which he failed to get, consequently, he returned the said amount to the complainant in shape of Cheque, it was bounced by the concerned Bank, when was presented there for encashment, for that the present case was registered.

2. The applicant on having been refused Pre-Arrest bail by learned Additional Sessions Judge, Pano Akil, has sought for the same from this Court by way of instant Crl. Bail Application under Section 498-A Cr.P.C.

3. It is contended by learned counsel for the applicant that the applicant being innocent has been involved in this case by the complainant falsely and the FIR of the incident is second in series; therefore, the applicant is entitled to be admitted to pre-arrest bail on point of further inquiry and malafide.

4. Learned Additional P.G for the State and learned counsel for the complainant have sought for dismissal of instant Bail Application of the applicant by contending that the applicant has committed financial death of the complainant.

5. Heard arguments and perused the record.

6. The FIR of the incident has been lodged with delay of more than four months and it is second in serious; earlier one is lodged against one Imran Bukhari with PS Clifton Karachi; which appears to be surprising. Be that as it may; the offence alleged against the applicant is entailing imprisonment for three years or fine; if after due trial, the applicant is awarded punishment of fine only then the sentence which he is likely to undergo on account of refusal of pre arrest bail to him would be somewhat extra. 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 in favour of the applicant on point of further inquiry and malafide obviously is made out.

7. In view of above, the interim pre-arrest bail already granted to the applicant is confirmed on the same terms and conditions.

8. The instant Crl. Bail Application is disposed of accordingly together with listed application.

Judge