

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI
Criminal Bail Application No. 472 of 2024
(Abdul Hammad versus The State)

Date	Order with signature of Judges
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For hearing of bail application

24.04.2024

Mr. Tanveer Aftab, advocate for the applicant
Mr. Muhammad Anwar Mahar, DDPP for the State

The facts in brief necessary for disposal of instant Crl. Bail Application are that complainant Imtiaz Ahmed allegedly booked a generator with the applicant which he could not deliver to him, consequently he returned the amount under booking to the complainant in shape of two cheques, which were bounced by concerned bank when were presented there for encashment, for that the present case registered.

The applicant, on refusal of pre-arrest bail by learned XII-Additional Sessions Judge, Karachi West, has sought for the same from this Court by making the instant bail application under section 498 Cr.P.C.

It is contended by learned counsel for the applicant that the applicant being innocent has been involved in this case falsely by the complainant party only to settle its dispute with him over accounts and the cheques have been obtained by keeping him under wrongful restraint, therefore, the applicant is entitled to be admitted to pre-arrest bail on point of malafide and further inquiry. In support of his contentions, he relied upon case of *Bashir Ahmed v. the State* (2023 SCMR 748).

None has come forward to advance arguments on behalf of the complainant; however, learned DDPP for the State has opposed to grant of

pre-arrest bail to the applicant by contending that he has committed the financial death of the complainant.

Heard arguments and perused the record.

The FIR of the incident has been lodged with delay of about 08 months; such delay having not been explained plausibly could not be overlooked. The offence alleged against the applicant is not falling within the prohibitory clause of Section 497 Cr.P.C. The punishment which the alleged offence entails is imprisonment for three years or fine; if the applicant after due trial is awarded 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 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 the part of the applicant. 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.

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

Instant bail application is disposed of accordingly.

J U D G E