

ORDER SHEET  
IN THE HIGH COURT OF SINDH AT KARACHI  
**Criminal Bail Application No. 354 of 2024**  
**( Syed Muhammad Khalid Rizvi versus The State)**

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Date \_\_\_\_\_ Order with signature of Judges \_\_\_\_\_

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1. For orders on office objection (Flag A)
2. For hearing of bail application

**25.04.2024**

Mr. Aamir Mansoob Qureshi, advocate for the applicant  
M/s. Iftikhar A Shah, Zain Azad and Junaid Ahmed, advocates for the complainant  
Ms. Rahat Ahsan, Additional Prosecutor General for the State  
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It is alleged that the applicant issued nine cheques worth 90 million rupees in favour of complainant Adnan, those were bounced by the concerned bank when were presented there for encashment, for that the present case registered.

The applicant, on having been refused post-arrest bail by learned IV-Judicial Magistrate Karachi South and X-Additional Sessions Judge, Karachi South, has sought for 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 being innocent has been involved in this case falsely by the complainant; cheques were issued as security for interest on capital, therefore, the applicant is entitled to be released on bail on point of further inquiry. In support of his contentions, he relied upon case of *Noman Khaliq v. the State* (2023 SCMR 2122).

Learned Addl. PG for the State and learned counsel for the complainant have opposed to release of the applicant on bail by contending that he has committed the financial death of the complainant by issuing fake cheques in his favour dishonestly. In support of their contentions, they

relied upon case of *Syed Hasnain Haider v. the State* ( 2021 SCMR 1466). It is on point of malafide.

Heard arguments and perused the record.

The FIR of the incident has been lodged with delay of about 09 months; such delay 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 up to three years or fine; if the applicant after due trial is awarded punishment of fine only then the imprisonment which he is undergoing would be somewhat extra. The parties are alleged to be disputed over settlement of accounts and civil litigation between them is pending adjudication before the Court having jurisdiction. The case has finally been challaned. The applicant is in custody since five months without effective progress in trial of this case. There is no likelihood of absconsion or tampering with the evidence on the part of the applicant. In these circumstances, a case for release of the applicant on bail on point of further inquiry is made out.

In view of above, the applicant is admitted to bail subject to his furnishing surety in 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.

Instant bail application is disposed of accordingly.

J U D G E