

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI
Criminal Bail Application No. 497 of 2024
(Muhammad Owais versus The State)

Date	Order with signature of Judges
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For hearing of bail application

02.05.2024

Mr. Manzoor Ahmed Rajput, advocate for the applicant
Mr. Tariq Ali, advocate for the complainant
Mr. Mumtaz Ali Shah, Assistant Prosecutor General for the State

It is alleged that the applicant issued certain cheques worth rupees forty-five lacs approximately in favour of complainant Muhammad Farhan, which were bounced by the concerned bank when were presented there for encashment, for which the present case was registered.

The applicant, on refusal of pre-arrest bail by learned VIIIth-Additional Sessions Judge/MCTC-2, Karachi Central, has sought the same from this Court by making the instant bail application under Section 498 Cr.P.C.

Heard arguments and perused the record.

The FIR of the incident has been lodged with a delay of about 12 days; such delay could not be overlooked. The parties are disputed over the sale and purchase of the meat. The chequebook is alleged by the applicant to have been stolen away and then misused. Co-accused Muhammad Aslam has already been admitted to bail by the learned trial Court. The offence alleged against the applicant does not fall

within the prohibitory clause. The punishment which the alleged offence entails is imprisonment for three years or a fine; if the applicant after the due trial is awarded the punishment of fine only then the imprisonment which he is likely to undergo on account of the 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 to the applicant on the point of further inquiry and malafide is made out.

In view of the above, while relying upon the case of *Noman Khaliq v. the State (2023 SCMR 2122)*, 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

Nadir*