

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

Criminal Bail Application No.S-974 of 2024

DATE

ORDER WITH SIGNATURE OF JUDGE

04.10.2024

Applicant is present on bail.

Mr. Muhammad Asad Shahani, Advocate for applicant.

M/s. Ghulam Mustafa Burdi and Syed Jan Muhammad Bukhari, Advocate for complainant.

Mr. Shewak Rathore, Deputy Prosecutor General, Sindh along-with SIP Jameel PS A-Section Nawabshah.

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Applicant Ranjho Khan seeks pre-arrest bail in FIR No.217 of 2024 registered under section 489-F P.P.C at PS A-Section Nawabshah after his earlier bail for same relief was declined by the learned Additional Sessions Judge-III, Shaheed Benazirabad vide impugned order dated 26.07.2024, hence this bail application.

The facts relating to bail application in hand are already mentioned in FIR as well as memo, therefore, there is no need to reproduce the same.

The bail application has been sought on the ground that the decretal amount for which applicant had issued a cheque has been paid by the applicant in the Court and the offence for which he is charged does not fall within the prohibitory clause of section 497 Cr.P.C.

The bail plea has been opposed by the complainant's counsel on the ground that applicant being police official has cheated the complainant by issuing a cheque which on presentation before concerned Bank was dishonoured, therefore, he is not entitled for confirmation of bail.

Learned DPG conceded for confirmation of bail on the ground that the decretal amount for which cheque in issue alleged to have been issued by the applicant has been paid by him.

Heard learned counsel for the respective parties and perused the material available on record.

It reflects that on 25.07.2024 applicant had deposited amount of Rs.42,000/- before the concerned Court at Shaheed Benazirabad in Execution Application No.49 of 2022 for which he issued a cheque. Furthermore the offence for which the applicant is allegedly involved does not come within the ambit of prohibitory clause of section 497 Cr.P.C and in these cases bail is right and refusal is an exception. Under these circumstances, the applicant has made out his case as one of further inquiry, therefore, the bail application is allowed. Consequently, pre-arrest bail already granted to the applicant vide order dated 03.09.2024 is confirmed on the same terms and conditions.

Needless to mention that above observations are tentative in nature only to decide instant bail application and same would not prejudice case of either party at trial.

JUDGE