

**IN THE HIGH COURT OF SINDH, CIRCUIT COURT,
HYDERABAD.**

Criminal Bail Application No.S-1084 of 2024

Applicant : Muhammad Shahid present on interim pre-arrest bail through Mr. Abdul Mueed Shaikh, Advocate.

Respondent : The State through Ms. Rameshan Oad, Assistant Prosecutor General Sindh.

Complainant : Nadeem Umar through Mr. Jehanzeb Ali Dahri Advocate, who files his Vakalatnama today, which is taken on record.

Date of hearing : 28.10.2024.

Date of Order : 28.10.2024.

ORDER.

Amjad Ali Sahito, J:- Through instant bail application, the applicant/accused namely, Muhammad Shahid seeks post-arrest bail in Crime No.383/2024, registered at Police Station A-Section Latifabad Hyderabad for the offence under section 489-F PPC. Earlier the bail plea of the applicant/accused was declined by the learned 1Xth Additional Sessions Judge, Hyderabad vide order dated 23.09.2024.

2. The details of the FIR are included in the bail application and its attached copy, so there is no need to restate them here.

3. Learned counsel for the applicant/accused contends that the applicant/accused is innocent and has falsely been implicated in this case; that the FIR is delayed for about 03 ½ months and no plausible explanation was furnished by the complainant; that in fact the applicant/accused offered the complainant an investment opportunity, to invest Rs.5,000,000 in a scrap business in February 2023 and the applicant promised to return the capital amount in six monthly installments, along with a profit/markup of up to 22%, and issued cheques to the complainant; that the complainant claims an alleged amount of Rs. 28,000,000, which is substantial; however, the absence of a formal agreement between the parties dents the complainant's credibility and version. Learned counsel also contends that the applicant/accused otherwise has also filed insolvency petition to declare himself insolvent. Lastly he prays for confirmation of interim pre-arrest bail to the applicant/accused.

4. On the other hand, learned counsel for the complainant and learned A.P.G. Sindh both oppose the grant of bail to the applicant/accused.

5. Heard and perused the record.

6. The record shows that the applicant/accused is named in the F.I.R. for allegedly issuing seven cheques amounting to Rs. 28,000,000 to the complainant. These cheques were dishonored due to no funds in the complainant's account, which *prima facie* establishes a case under section 489-F PPC. At bail stage only tentative assessment is to be made and nothing has been brought on record to show any ill-will or *mala fide* on the part of the complainant which is requirement for grant of pre-arrest bail. In this regard, I am fortified with the case law of Hon'ble Supreme Court of Pakistan [2019 SCMR 1129] wherein the Hon'ble Supreme Court of Pakistan has held as under:-

“Grant of pre-arrest bail is an extra ordinary remedy in criminal jurisdiction; it is diversion of usual course of law, arrest in cognizable cases; a protection to the innocent being hounded on trump up charges through abuse of process of law, therefore a petitioner seeking judicial protection is required to reasonably demonstrate that intended arrest is calculated to humiliate him with taints of mala fide; it is not a substitute for post arrest bail in every run of the mill criminal case as it seriously hampers the course of investigation..... the principles of judicial protection are being faithfully adhered to till date, therefore, grant of pre-arrest bail essentially requires considerations of malafide, ulterior motive or abuse of process of law.”

7. In view of above discussion, the applicant/accused has failed to make out a good case for confirmation of his bail. In such circumstances, the bail application is **dismissed** and the interim pre-arrest bail earlier granted to the applicant/accused vide order dated 01.10.2024 is hereby re-called.

8. Needless to mention here that the observations made hereinabove are tentative in nature and would not influence the learned trial Court while deciding the case of the applicant on merits.

JUDGE