

ORDER SHEET

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IN THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA.

1st Cr. Bail Appln. No.S- 373 of 2016.

Date

Order with signature of Hon'ble Judge

1. For orders on office objection as flag A.
2. For hearing.

16.12.2016.

Mr. Bahadur Ali Shahani, advocate a/w applicant.

Mr. Rafique Ahmed Abro, advocate for the complainant.

Mr. Sardar Ali Shah, A.P.G.

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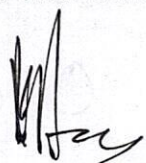
The allegations against the applicant are that he had issued a cheque amounting Rs.44,50,000/= in favour of the complainant in lieu of his standing guarantor for him in a transaction about purchase of house from one Ghafoor Thaheem to whom the applicant had already paid Rs.1,00,50,000/= as advance money and said Ghafoor after receiving the above amount had not handed over the possession of the house and was demanding remaining amount. Complainant stood guarantor on behalf of accused/applicant and in consideration whereof, the applicant issued him the subject cheque.

Learned A.P.G in view of above facts and circumstances has extended no objection to the confirmation of bail. However, learned counsel for the complainant has opposed confirmation of bail to the applicant and has relied upon the case reported in 2009 SCMR 174.

No where in the F.I.R it is mentioned that complainant had handed over any amount to the applicant and in lieu thereof the said cheque was issued by him, therefore, the question as to whether the ingredients of section 489-F are attracted or not against the applicant requires further enquiry. The dispute between the parties appears to be purely of civil nature and in such circumstances, false implication of the applicant cannot be ruled out. The facts of the case relied upon by the learned counsel for the complainant are quite distinguishable. I am of the view that applicant has been able to make out a case for confirmation of bail. Accordingly, the interim bail granted to the applicant vide order dated 11.8.2016 is hereby confirmed on the same terms and conditions.



At this juncture, at the request of learned counsel for the complainant, the trial Court is directed to expedite the trial and conclude it within six months.


JUDGE 16-12-2016

