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ORDER SHEET  
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA  
Crl. Bail Appln. No.S-582 of 2017

Date of Hearing	ORDER WITH SIGNATURE OF JUDGE
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16.2.2018.

For hearing of bail application.

Applicant present on interim pre-arrest bail.

Mr. Khadim Hussain Khooharo, Addl. P.G along with complainant Bachal Shah, the then District Food Controller, Shikarpur.

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Applicant Parshootam Lal is seeking pre-arrest bail in Crime No.104/2015 registered at Police Station Staurt Ganj, Shikarpur under Section 489-F, PPC.

The brief facts of the case are that complainant, who is District Food Controller, lodged instant FIR stating that the applicant who is managing partner of Shikarpur Floor Mill was given 25000 sacks of wheat as per government policy, against which he issued nine cheques amounting to Rs.80833650/-, which on presentation in the bank concerned were dishonoured. The applicant was approached to make good of loss to the government but he failed to do so. Resultantly, the FIR as stated above was registered against him.

Applicant's Counsel is called absent. It has been informed that he is granted general adjournment, but it is in the case fixed by office, whereas this matter has been fixed on a date given by the Court and on the last date of hearing when he was absent, it was observed that he was deliberately avoiding to proceed with matter and therefore this case was adjourned for today with a note of caution as a last and final chance.

I have heard the applicant in person and learned Addl. Prosecutor General.

Applicant has mainly argued that he is ready to negotiate with the Food Department.

On the other hand, learned Addl. Prosecutor General and complainant have opposed grant of bail and have submitted that applicant has committed fraud with the government and despite efforts




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he has not shown any willingness to make good of the loss to the government.

I have considered submissions of the parties and perused the material available on record. There is a prima facie evidence against the applicant that he issued nine cheques in favour of the government amounting to Rs.80833650/- against his receiving 25000 sacks of wheat, which on presentation in the bank concerned were dishonoured. The complainant is the government officer and has no motive to falsely implicate the applicant. No doubt the offence does not fall within prohibitory clause but the prima facie evidence connecting the applicant cannot be ignored and the fact that if an offence does not fall within prohibitory clause would not make it a bailable offence and in such like cases bail as a right cannot be granted to the accused. More-so, this is an application for pre-arrest bail which, inter alia, would be considered if there is some malafide and ulterior motive on the part of the complainant to falsely implicate the applicant. No such material is available on record to infer that the applicant has been falsely implicated. Even he has not denied issuing of subject cheques in favour of the government.

In view of the above, I am of the view that the applicant is not entitled to extraordinary concession of pre-arrest bail. Consequently this application is dismissed.

The observations hereinabove are tentative in nature and shall not prejudice the case of either party in the trial

  
JUDGE 6/2/2018