

**ORDER SHEET**  
**IN THE HIGH COURT OF SINDH, KARACHI**

Cr. Bail. Appl. No.2542 of 2024

Date	Order with signature of the Judge
------	-----------------------------------

**02.12.2024**

Mr. Mayasar Ali advocate holds brief for Ms. Farkhunda Jabeen, Advocate for applicant.

Mr. Khurram Lakhani, advocate for complainant.

Ms. Rahat Ahsan, Addl. P.G.

**ORDER**

**MUHAMMAD IQBAL KALHORO J:** Applicant Asif Hussain is seeking pre arrest bail in Crime No.311/2024 U/s 489-F, PPC of P.S. Kharadar, Karachi. Applicant is present on ad-interim pre arrest bail and today matter is fixed for confirmation or otherwise.

2. As per brief facts, complainant is a commission agent doing business of supplying thread (Dhaga) to the applicant. He has alleged in FIR that in the course of business, an amount of Rs.13,82,98000/- became outstanding against the applicant, who in order to pay the said amount, issued multiple cheques to the complainant. In this FIR, there is a mention of 17 cheques each of Rs.500,000/- which on presentation in the bank were dishonoured, hence FIR.

3. Learned counsel for applicant has chosen to remain absent and Mr. Mayasar Ali advocate has argued the case on his behalf and submits that in second FIR, applicant has been granted bail by this court; that applicant is ready to furnish surety of the said amount to the satisfaction of this court.

4. On the other hand, learned counsel for complainant has opposed the bail stating that prima facie there is evidence against the applicant. Learned APG submits that in defence applicant has alleged that his cheque book was stolen which has been misused but he has failed to prove the same. I.O. is present and submits that he has investigated the matter and has come to know that alleged amount is outstanding against the applicant and he had issued subject cheques to the complainant, which on presentation in bank were dishonoured.

5. After considering the arguments of each party, I am of the view that applicant is not entitled to extra ordinary concession of bail which is meant to be extended to innocent persons who are falsely implicated in the case out of malafide and ulterior motives by the complainant or police. No such element is present in the instant case. There is prima facie evidence of dishonoured cheques.

Further, in the investigation he was found involved in the alleged offence and huge amount of complainant is outstanding against him. Instead of paying the same, he issued the cheques which on presentation were dishonoured. Accordingly, this pre arrest bail application is dismissed and the order granting ad-interim pre arrest bail to the applicant is hereby recalled.

The observations made hereinabove are tentative in nature and would not prejudice case of either party at trial.

The bail application is disposed of.

**J U D G E**

A.K