

ORDER SHEET
IN THE HIGH COURT OF SINDH
CIRCUIT COURT HYDERABAD

Criminal Bail Application No.S-1024 of 2022

DATE	ORDER WITH SIGNATURE OF JUDGE
------	-------------------------------

14-11-2022

Mr. Farhad Ali Abro advocate for applicant along with applicant.

Mr. Imran Ali Bozdar advocate for complainant along with applicant.

Mr. Imran Ali Abbasi A.P.G. Sindh.

MUHAMMAD IQBAL KALHORO, J: - Complainant has business of 'Red Chilies' and applicant is a broker doing business in the same commodity. He was in business relations with complainant and on 23.06.2022 purchased 250 bags of red chilies worth more than Rs.33,00,000.00 [rupees thirty three hundred thousand only] from the complainant, of which, he issued him a cheque of Rs.25,00,000.00 [rupees twenty five lac only] which on presentation was dishonored. He approached him for refund but he after keeping him on false hopes refused to pay back the due amount, hence this FIR.

2. Learned defense counsel has submitted that applicant is innocent and has been falsely implicated in this case. The complainant is habitual in registering such FIRs against persons and that evidence of few witnesses has been recorded. His arguments have been opposed by the learned counsel for complainant and learned A.P.G. Sindh and complainant himself who is present in person and has described entire story as how the applicant has conned him.

3. After hearing the parties, I am of the view that applicant is not entitled to extra-ordinary concession of pre-arrest bail for the reasons that there is *prima facie* evidence in shape of dishonored cheque and other documents against him which the complainant, as per him, has already submitted before the trial Court. Delay in FIR has been explained by the complainant as initially applicant kept him on false hopes for refunding but subsequently refused. Recording of evidence of few witnesses will not ipso facto make applicant entitled to pre-arrest bail which is meant to save an innocent person from rigor of arrest in a non-bailable offence, which is otherwise a requirement of law. No *mala fide* on the part of the complainant is on record either

and in presence of *prima facie* evidence connecting the applicant with the offence, no case for indulgence is made out under section 498 Cr.P.C. Therefore instant application is dismissed and interim pre-arrest bail already granted to the applicant/accused is hereby recalled.

4. The observations made hereinabove are tentative in nature and shall not influence the trial Court while deciding the case on merits.

JUDGE

Abdullah Channa/PS