

ORDER SHEET
IN THE HIGH COURT OF SINDH,
CIRCUIT COURT, HYDERABAD.

Criminal Bail Application No.S-115 of 2020.

DATE	ORDER WITH SIGNATURE OF JUDGE
	For orders on office objections. For hearing of main case.

20-04-2020

Mr. Ejaz A. Awan, advocate for the applicant.

Ms. SafaHisbani, Assistant Prosecutor General, Sindh.

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Applicant is seeking pre-arrest bail in Crime No.283/2019, under section 489-F PPC, registered at P.S. Qasimabad, Hyderabad.

It is alleged in FIR that applicant is a friend of complainant who gave him a cheque of Rs.400,000/- and cash of Rs.300,000/- for purchasing a car for him as he is working at a showroom. However, the applicant did not buy him a car nor returned the money. After lapse of sufficient time, also on insistence, the applicant gave the complainant a cheque of Rs.700,000/- which on presentation in the Bank was dishonored leading to registration of present FIR against the applicant.

Having failed to have a relief of pre-arrest bail from the trial Court, the applicant has filed the present application for same relief on the ground that he had given the cheque to the complainant as a guarantee; that there is delay of 12 days in registration of FIR; that offence does not fall within the prohibitory clause of section 497 (i) Cr.P.C. His counsel has reiterated the same arguments and relied upon the case law reported as **2013 SCMR 51** and **2016 P.Cr.L.J. 769**.

On the other hand learned Assistant Prosecutor General has opposed grant of bail to the applicant.

I have considered submissions of the parties and perused the material available on record which shows that the applicant is specifically nominated in FIR to have issued a cheque to the complainant to satisfy his liability which on presentation in the bank was dishonored. No malafide is available on the part of complainant to book the applicant in the present case. The evidence against him is documentary which is self-explanatory. The relief of pre-arrest bail the applicant is seeking is extra-ordinary in nature which cannot be granted to an accused in a case

like present one which lacks the material reflecting his false implication on the basis of ulterior motives or malafide intentions. Since this is an application for pre-arrest bail, the ground of offence not falling within the prohibitory clause will be of no relevance as pre-arrest bail has to be granted to innocent people to save them from humiliation of arrest at the hands of police and not in the cases where sufficient prima facie evidence is available against the accused. This being the position, I do not find the applicant entitled for the relief of pre-arrest bail and dismiss this criminal bail application.

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

JUDGE

Irfan Ali