

**THE HIGH COURT OF SINDH, CIRCUIT COURT,  
HYDERABAD**

Criminal Bail Application No.S-161 of 2023

<b>DATE</b>	<b>ORDER WITH SIGNATURE OF JUDGE</b>
-------------	--------------------------------------

For orders on office objection.  
For hearing of main case.

15.05.2023.

Mr. Muhammad Sulleman Unar and Mr. Asad Ali Jatoi  
advocates for the applicant.  
Barrister Muhammad Azmatullah Channa advocate for the  
complainant.  
Ms. Sana Memon, Assistant Prosecutor General, Sindh.  
Applicant is present on ad-interim pre-arrest bail.

O R D E R

MUHAMMAD IQBAL KALHORO, J:- Complainant is a landlord so is  
applicant. Their lands are situated adjacent to each other. It is the  
case of the complainant that applicant had obtained loan of one crore  
rupees from him between years 2018 to 2020 against which she  
issued him a cheque of same amount (rupees one crore) which on  
presentation in the bank was dishonored. Hence FIR No.31/2020 u/s  
489-F PPC was registered against her. In the case, on the basis of  
compromise, she was acquitted and she issued a fresh cheque of  
Rs.01 crore 15 lacs to the complainant which too on presentation in  
the bank was dishonored. Hence, this FIR u/s 489-F PPC.

Learned counsel for the applicant has submitted that in  
previous FIR No.31/2020 she was acquitted on merits vide judgment  
dated 28.04.2022 (available at page 283). After the judgment the  
story was manipulated by the complainant in a bid to register a fresh  
case against her. There is already civil litigation between the parties  
pending in different courts over sale of land, cancellation of sale deed,  
cancellation of cheque, etc. Therefore, false implication of the  
applicant cannot be ruled out.

His arguments have been rebutted by learned counsel for the  
complainant stating that in the first case she was acquitted on the  
basis of compromise, and after registration of this case applicant  
herself has filed two applications u/s 22-A CrPC for registration of

FIR against the complainant which is a testament that she is likely to temper with the evidence. Learned APG submits that except dishonored cheque no other document is available to show that she has obtained any loan from the complainant or in the previous case she was acquitted on the basis of compromise.

I have heard submission of the parties and perused material available on record. The judgment in the previous case Crime No.31/2022 PS Cantt Hyderabad shows that the applicant after a full dressed trial was acquitted by the trial Court. In the evidence, the complainant, prima facie, had fully implicated the applicant and it was only on the basis of appreciation of evidence, the Court came to the conclusion that the prosecution had failed to prove the case against her. In addition, admittedly there is civil litigation between the parties. Both the parties are landed family and their lands are situated adjacent to each other over the sale and purchase of which, they are at odds with each other. In these circumstances, false implication of applicant cannot be ruled out and her case requires further inquiry into the question as to whether after acquittal in the first case regarding the same loan amount, she can be arraigned in subsequent case filed in respect of return of the same loan amount. Accordingly, the bail application is allowed and ad-interim pre-arrest bail granted to applicant vide order dated 17.02.2023 is hereby confirmed on the same terms and conditions.

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

JUDGE