

IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

Criminal Bail Application No.S-230 of 2025.

Applicant: Jahangir Jawed son of Jawed Iqbal,
Through Mr. Muhammad Aleem Arain, Advocate.

Complainant: Through Mr. Muneer Ahmed Chabinna, Advocate

Respondent: The State
Through Mr. Irfan Ali Talpur, A.P.G.

Date of hearing: 25.03.2025
Date of order: 25.03.2025

ORDER

Syed Fiaz ul Hassan Shah, J: Through instant bail application, above named applicant seeks his admission to post arrest bail in Crime No.18 of 2025 registered under section 489-F PPC, with P.S Cantonment. After the arrest applicant preferred his bail plea before the Court of Civil Judge & Judicial Magistrate/Judge Consumer Protection Court, Hyderabad vide Criminal Bail Application No.22 of 2025 (Re-Jahangir Jawed Vs. The State) and same was dismissed vide order dated 17.02.2025; hence, instant bail application has been maintained.

2. Since the facts of prosecution case are already mentioned in F.I.R as well as memo of bail application, therefore, there is no need to reproduce the same.

3. It is inter-alia contended by the counsel for applicant that applicant/accused is innocent and has falsely been involved in the case by the complainant for dishonored of cheque as prior to the lodging of FIR by the complainant the applicant has already registered FIR bearing No.534 of 2024; that applicant and the complainant are involved in business of mobile accessories; that no cheque was issued to complainant nor there is any transaction as alleged in FIR but complainant malafidely shown the business of manure with applicant/accused; that there is a long delay of 30 days in registration of FIR without any plausible explanation hence due deliberation and consultation cannot be ruled out and the same requires for further inquiry. He lastly prayed for grant of bail in favour of applicant/accused.

4. On the other hand, learned counsel for the complainant strongly opposed the grant of bail and states that the applicant/accused is under obligation to take amount disclosed in the cheque and for this reason he has issued a cheque and on presentation in the bank it has become dishonored, therefore, he lodged FIR. Although, the learned A.P.G opposed this bail application however, he concedes that the offence does not fall within the prohibitory clause of section 497 Cr.P.C

5. I have heard the learned counsel for parties and perused the record.

6. It may be observed that vide statement dated 19.03.2025 demonstrates that an amount of Rs.7,690,030,00/= has been credited in the account of complainant from the account of applicant so also learned counsel for complainant has conceded that certain amount has been credited from his account to the account of applicant, which prima facie reflects that there remained a routine business transaction between the parties, which creates doubt about the categorical obligation of present meager amount. Furthermore, an FIR bearing crime No.534 of 2024 was registered on 28.12.2024 by the applicant/accused against the complainant however, it seems that in order to maintain pressure upon the applicant/accused thereafter the complainant lodged instant FIR on 03.02.2025, which also requires further probe. Even otherwise, the challan has been submitted before the Trial Court and applicant is not required for investigation. It is not case of the prosecution that applicant if he is released on bail he will temper or destroy the evidence nor prosecution has any apprehension to threat the prosecutions' witnesses. In view of the above, the learned counsel for the applicant has made out a case for grant of bail, therefore, the bail application is **allowed**. Consequently, the applicant is granted concession of post arrest bail subject to furnishing his solvent surety in sum of Rs.10,00,000/- and P.R bonds in the like amount, to the satisfaction of Trial Court and these are the reasons of short order dated 25.03.2025.

7. Needless to say that any finding given or the observations recorded herein-above, it is only for the purpose of deciding this bail application, which will not affect the merits of case before the Trial Court in any manner and the Trial Court will try the case without being influenced from any observation.

J U D G E

