

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI.
Cr. Bail Appl No.2628 of 2024
(Umer Bashir vs. The State)

17.12.2024

Mr. Muhammad Rashid, advocate a/w applicant
M/s. Riaz Ahmed and Allha Ditta, advocate for complainant
Ms. Seema Zaidi, Addl: PG Sindh

ORDER

MUHAMMAD IQBAL KALHORO J: Complainant is petrol pump owner, and allegedly he used to provide petrol to the applicant engaged in some project over K-IV scheme. In the course of which, complainant provided petrol of Rs.32,000,000/- the applicant. In order to pay the bills, he issued a cheque of Rs.32,000,000/-, to the complainant which on presentation in the bank was dishonoured, hence FIR.

2. Learned defence counsel submits that there is no evidence that applicant was in any kind of business with the complainant. The office of the applicant was situated in the petrol pump of the complainant, which was occupied by him after death of father of the applicant with all furniture and fixture. The complainant has misused the cheque book available in the office and got the FIR registered against the applicant.

3. On the other hand, learned counsel for the complainant has opposed bail by relying upon the case law reported in **2024 SCMR 1719**. Learned Addl: PG Sindh has submitted that there is no material collected during the investigation to establish facts and grounds suggested in defence by the learned counsel.

4. I have considered submissions of the parties and perused material available on record. *Prima facie*, the applicant appears to be involved in the alleged offence u/s 489-F PPC. The story narrated by the defence counsel is at the most defence of the applicant, which unless put to the test of the trial cannot be given any consideration at the stage of bail. As per investigation report, the applicant is involved in the offence and there is no mitigating circumstances to show that applicant is either entitled to relief of pre-arrest bail, or has been falsely implicated in this case. The concession of pre-arrest bail is only meant for innocent person, who has been falsely implicated in a criminal case. On the contrary, in this case there is sufficient evidence i.e. dishonoured cheque, 161 CrPC statement of witnesses and investigation report against the applicant. Accordingly, this application is dismissed. The ad-interim pre-arrest bail granted to the applicant on 12.11.2024 is hereby recalled.

5. Needless to mention that the observations made herein above are tentative in nature and would not prejudice case of either party at trial. The bail application is disposed of in the above terms.

J U D G E

Rafiq/P.A.