

ORDER SHEET  
IN THE HIGH COURT OF SINDH, KARACHI.

**Cr. Bail Appl. No.2369 of 2024**  
*(Sajid Qureshi vs. The State)*

Date	Order with signature of Judge
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**For hearing of Bail Application.**

**20.11.2024.**

Mr. Muhammad Afzal Roshan, advocate a/w applicant  
Mr. Sheikh Saqib Ahmed, advocate for complainant  
Ms. Rahat Ahsan, Addl: PG Sindh

**ORDER**

**MUHAMMAD IQBAL KALHORO J:** Complainant booked a flat to be built on a project on a plot bearing No.A/82, Sharifabad, F.B. Area, New SITE, Karachi with applicant, who he claims to his friend and gave him Rs.9,500,000/- in presence of a witness. But when he demanded possession of the flat, applicant told him that he would like to purchase the same flat in the sum of Rs.1,050,000/- from him and gave a cheque of Rs.800,000/- to him and sought time of 15 days to give him remaining amount. When the said cheque was presented in the bank, it was dishonoured. Hence, FIR.

2. Learned counsel in defence has argued that there is a delay of 04 months in registration of FIR; the offence does not fall within the prohibitory clause u/s 497(i) CrPC; the punishment of offence is only 03 years. The cheque was given to purchase hardware from one Irfan Patel, owner of hardware shop, and he handed over the cheque to the complainant, which he has misused. The applicant is a renowned builder, who has completed multiple projects. In support of his arguments, he has relied upon the case laws reported in **2013 SCMR 51, 2022 SCMR 1467, 2018 P CR.LJ 469**, and **2003 YLR 1915**.

3. On the other hand, learned Addl: PG Sindh submits that applicant is a history sheeter and against him at least 07 cases in the same offence have been registered with allegation of deceiving people.

4. Learned counsel for the complainant has also opposed bail by relying upon the case laws reported in **2022 MLD 1065 Sindh, 2023 YLR note 5 Sindh, 2021, 2022 MLD 1065**, and **2021 P Cr. LJ 886**

5. I have considered submissions of the parties and perused material available on record including the case laws cited at bar. It goes without saying that concession of pre-arrest bail is only for innocent persons, who are falsely implicated in the criminal case either by complainant or police. The history of the applicant shows that he is in habit of issuing dishonoured cheques to

various peoples. So far at least 07 FIRs have been registered against him for committing the same offence. In the present case also after investigation, the Challan has been submitted and he has been found *prima facie* guilty of issuing dishonoured cheque to the complainant. The defence taken by the counsel for applicant that the cheque was given to a third person and then applicant came in possession thereof is not borne out of investigation report, nor the same person has come forward to espouse the story of the applicant. There are reasonable grounds to believe that applicant is guilty of the offence, he has been charged with, in view of *prima facie* evidence against him. Therefore, this application is dismissed. The ad-interim pre-arrest bail granted to the applicant on 06.11.2024 is hereby recalled.

6. 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