

IN THE HIGH COURT OF SINDH, KARACHI.**Cr. Bail Appl No.2276 of 2024**

(Syed Adnan Hussain & another vs. The State)

14.11.2024

Mr. Muhammad Ibrar Arain, advocate for applicants

Mr. Muhammad Khan Panhwar, advocate for complainant

Mr. Saleem Akhtar, Addl: PG Sindh

ORDER

MUHAMMAD IQBAL KALHORO J: Complainant allegedly purchased three (03) plots from applicant, who is running a project in the name and style of Pearl Residency against Rs.19,85000/- but he did not give the complainant possession of the plots. On demand to return the amount, he gave him three (3) cheques of the amounts given by the complainant. One cheque amounting Rs.6,48,000/- when presented in the bank was dishonoured. Hence, this FIR.

2. Learned defence counsel submits that the cheque book of the applicant was misplaced and there is a delay in registration of FIR, hence, applicant is entitled for concession of pre-arrest bail.

3. On the other hand, complainant and his counsel have opposed bail. Complainant is present and submits that two other cheques of different dates given to him by the applicant are with him that too have been recently dishonoured; neither, he is returning the amount, nor the possession of the plots.

4. Learned Addl: PG Sindh has also opposed bail.

5. I have heard the parties and perused material available on record. There is sufficient evidence in the shape of dishonored cheque, the investigation report, which has found applicant involved in this case, as well as two other dishonoured cheques in possession of the complainant. This application is for pre-arrest bail and apparently there is no malafide on the part of the complainant or police to implicate the applicant. The purpose of pre-arrest bail is only to protect the innocent person from the arrest and humiliation in a criminal case in which he has been falsely implicated. Whereas, presence of *prima facie* evidence shows that this case is not an outcome of false implication. Accordingly, this application is dismissed. The ad-interim pre-arrest bail granted to the applicants on 03.10.2024 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