

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI.
Cr. Bail Appl. No.1351 of 2024
(Muhammad Nadeem vs. The State)

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

14.10.2024.

Mr. Zorawar Bin Israr, advocate for applicant a/w applicant
Mr. Khadim Hussain, Addl: PG Sindh
Mr. Aslam Pervaiz, advocate for complainant

ORDER

MUHAMMAD IQBAL KALHORO J: Accused and complainant both are real brothers. Complainant has alleged that he had given loan of Rs.5,000,000/- to his brother the accused on different occasions for business purpose but he did not return the same and instead gave him a cheque, which on presentation was dishonored, hence, FIR.

2. Learned counsel for the complainant and learned Addl: PG Sindh have opposed bail on the ground that issuance of cheque is not denied and there is no malafide.

3. However, on the other hand, counsel for the applicant has stated that there is a civil litigation pending between the parties over ancestral property. The parties being the real brothers are residing in the same house, hence, the cheque has been misused by the complainant. Further, *prima facie* there is no record of extending any loan to the applicant. These arguments make the case against the applicant to be of a further inquiry and more so the offence does not fall within the prohibitory clause u/s 497(i) Cr. PC. Accordingly, this bail application is allowed and ad-interim pre-arrest bail granted to the applicant order dated 13.06.2024 is hereby confirmed on same terms and conditions.

5. Bail application stands disposed of in the above terms. The observations made hereinabove are tentative in nature and would not prejudice case of either party at trial.

JUDGE

Rafiq/P.A