

ORDER SHEET  
**IN THE HIGH COURT OF SINDH, KARACHI.**  
**Cr. Bail Appl No.713 of 2024**  
(Danial Khalid Farooq vs. The State)

**29.10.2024**

Mr. Rasheed Ashraf Mughal, advocate a/w applicant  
Mr. Sikandar Ali Mangi, advocate for complainant  
Ms. Seema Zaidi, Addl: PG Sindh

**ORDER**

**MUHAMMAD IQBAL KALHORO J:** Complainant has alleged that he having a transport business had a contract with Waist Buster Company in the year 2017 for lifting garbage for which he had provided relevant machinery to the said company. In due course of time an amount of Rs.3 Crore accumulated against the company. When he demanded the money, four (04) cheques each of Rs.5,000,000/- were issued by applicant which on presentation in the bank were dishonoured, hence, FIR.

2. Applicant's counsel submits that the incident happened in the year 2017, whereas, FIR was registered in the year 2023 after 06 years; that applicant at that time was student in USA and actually the contract was between the complainant and the said company being run by his father. Neither the cheques belong to his account, nor were signed by him. He has further submitted that initially the challan was submitted against the applicant showing him absconder u/s 512 Cr.PC but subsequently, when he joined investigation, the case was disposed of under 'C' Class through supplementary challan but that was not accepted.

3. Learned counsel for the complainant has opposed bail, so also, learned Addl: PG Sindh. However, the case of further enquiry is made out as delay of 06 years in registration of FIR in *prima facie* unexplained. There is nothing on record to show that applicant was a party in the contract between the complainant and the company. The letter dated 08.05.2024 of Sindh Bank issued in response to a query by the Investigating Officer (IO) *prima facie* shows that account to which impugned cheques belong does not belong to the applicant. Registering the FIR after 06 years is *prima facie* not without an element of malafide on the part of complainant, hence, this bail application is allowed and ad-interim pre-arrest bail granted to the applicant vide order dated 27.03.2024 is hereby confirmed on same terms and conditions.

4. 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.

**J U D G E**

Rafiq/P.A.