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**IN THE HIGH COURT OF SINDH, CIRCUIT COURT,
LARKANA**

1st Criminal Bail No.S-582 of 2024

**Naveed Ahmed Shaikh
V/S
The State**

Applicant:	Applicant is present in person, his Counsel is called absent.
Complainant:	Complainant is present in person, his Counsel is called absent.
State:	Through Mr. Aitbar Ali Bullo, Deputy Prosecutor General, Sindh.
Date of Hearing:	20.01.2025
Date of Decision:	20.01.2025

ORDER

Omar Sial, J.- Applicant Naveed Ahmed alias Hafeezullah Shaikh seeks pre-arrest bail in Crime No.38/2024, registered under section 489-F P.P.C at Lakhi Gate Police Station. His earlier application seeking bail was dismissed by the 1st Additional Sessions Judge/MCTC, Shikarpur, vide order dated 09.09.2024.

2. The applicant is accused of selling a house to the complainant for Rs. 30,00,000/-but not handing over possession, which canceled the sale transaction. He issued three cheques for Rs.10,00,000/—each dated 10.10.2023, respectively. On their presentation, the cheques were dishonoured.

3. I have heard the applicant and the complainant in person and learned Deputy Prosecutor General. The counsels for the applicant and the complainant are called absent.

4. The offence with which the applicant is charged carries a potential punishment of up to three years, which though not bailable, falls within the non-prohibitory clause of section 497 Cr.P.C. Keeping the principles enunciated in Tariq Bashir and 5 others vs The State

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(PLD 1985 SC 34) in mind, I do not see any exceptional or extraordinary reason to deny the applicant bail.

5. The learned Deputy Prosecutor General has confirmed that there is no documentary evidence on record to show the reason the cheques were given. Section 489-F P.P.C. requires a cheque to have been given to satisfy a loan or obligation. This will have to be determined at trial after the learned trial court has had an opportunity to evaluate the evidence produced.

6. The case arises out of a real estate transaction and, upon a tentative assessment, seems to be a case of settlement of accounts. I understand that a civil case may already have been filed before the competent court of law. Malafide, in desiring to convert a civil dispute into a criminal one, can not conclusively be ruled out at this preliminary stage and in light of the evidence that is on record.

7. Given the above, the interim pre-arrest bail granted to the applicant earlier is confirmed on the same terms and conditions.


20/11/25
Judge

Manzoor