

ORDER-SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT LARKANA

Crl. Bail Appln. No. S- 256 of 2016.

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|-----------------|-------------------------------|
| Date of hearing | Order with signature of Judge |
| 30.08.2017. | |

Applicant in person.
Mr. Gada Hussain Abro, DDPP.

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Omar Sial, J: Applicant Parvez Jan Chohan has sought pre-arrest bail in crime No.39 of 2016 registered under Section 489-F and 420 PPC at Police Station Civil Line, Larkana. Earlier, his pre-arrest bail application was dismissed by the learned Sessions Judge, Larkana vide his order dated 18.05.2016.

Brief facts of the case are that on 10.05.2015 one Ghulam Fareed lodged the aforementioned FIR stating therein that the Applicant had borrowed Rs.700,000/- from him. On 08.08.2015 the Applicant issued a cheque bearing number 27142220 drawn of account number 19168-7 on the Main Branch of National Bank of Pakistan, Larkana. This cheque was dishonored by the Bank showing that there were insufficient funds in the account.

I have heard the Applicant in person as well as the learned DDPP and examined the record. The complainant and his counsel remained absent. My observations are as follows.

It is an essential requirement of section 489-F PPC that the cheque dishonored should have been issued for the purpose of satisfaction of a loan or obligation. The learned DDPP confirmed that there is nothing on the police file to support the complainant's assertion that he had given a loan of Rs.700,000/- to the Applicant. As a matter of fact, the learned DDPP confirms that the said cheque is also not present on file nor is the memo of the Bank that dishonored it nor any evidence to show that the bank account against which the cheque is issued is operated by the Applicant. In such circumstances, the Applicant's argument that this case

has been filed with ulterior motives due to personal disputes between the him and complainant cannot be conclusively ruled out at this stage.

In view of the above, the case of the Applicant warrants further enquiry. Accordingly, the interim pre-arrest bail granted to the Applicant vide this Court's order of 20.05.2016 is hereby confirmed on the same terms and conditions.

  
31/8/17  
JUDGE

Ansari/\*