

ORDER SHEET
THE HIGH COURT OF SINDH, CIRCUIT COURT LARKANA
1st, Cr. Bail Appln. No. S-507 of 2023.

Date

Order with signature of Judge

1. For orders on office objection 'A'.
2. For hearing of bail application.

04.12.2023.

Mr. Mumtaz Ali Jessar, advocate along with applicant (on bail).

Mr. Ali Anwar Kandhro, Addl.P. G.

O R D E R .

Muhammad Saleem Jesar, J- Through this application, applicant Abdul Qudoos son of Abdul Majeed Shaikh, seeks his admission on pre-arrest bail in Crime No.95/2023, registered with Police Station Civil Line, Larkana, under Section 489-F, PPC.

2. The complainant and his counsel were present before the Court on 28.09.2023, when it was adjourned to 26.10.2023 at the request made by counsel for the complainant. On 26.10.2023, counsel for the applicant sought time, therefore, it was adjourned to 10.11.2023. On 10.11.2023, the applicant was present in person; however, his counsel was not in attendance and on that date, counsel for the complainant was present and then it was adjourned to 27.11.2023 and on 27.11.2023, applicant as well as D.P.G were present; however, none from the side of the complainant were in attendance. In such circumstances, perusal of order sheet shows that the complainant and his counsel have lost their interest to pursue the matter vigilantly, therefore, in spite of notice they have chosen to remain absent instead of pursuing it vigilantly.

3. Learned counsel for the applicant submits that the applicant has settled down the differences with complainant outside the Court and yesterday the complainant undertook to appear before the Court for extending his no objection for the grant of bail. He further



submits that the offence does not fall under the prohibitory clause of Section 497, Cr.P.C; besides the amount involved in this case is short one which the applicant has already paid to the complainant hence the applicant being respectable person of the business community has not misused the concession of bail extended to him. Therefore, learned counsel submits that ad-interim already granted to the applicant may be confirmed.

4. Learned Addl. P.G appearing for the State opposes the bail application; however, he admits that the amount so involved in the matter is short one and not huge; besides the case is being tried by the Court of Judicial Magistrate and the offence with which the applicant is charged does not fall within prohibitory clause of section 497, Cr.P.C.

5. Admittedly, the amount involved in this case is fifteen lacs which is not huge one; besides the case has been challaned which is now pending for trial before Civil Judge & Judicial Magistrate-V, Larkana, where the charge against him has been framed and the case, as reported is fixed for recording of evidence on 08.12.2023. Accordingly and in view of dicta laid down by the Hon'ble Supreme Court of Pakistan in case of *Muhammad Tanveer v. The State* (PLD 2017 SC 733), the case against the applicant requires further enquiry within the meaning of subsection (2) of Section 497 Cr.P.C. Consequently, the bail application is hereby allowed. The Interim pre arrest bail granted to him on 06.09.2023 is hereby confirmed on same terms and conditions.