

ORDER SHEET.
IN THE ISLAMABAD HIGH COURT, ISLAMABAD.
JUDICIAL DEPARTMENT.

Criminal Misc. No. 124/B/2020.

Muhammad Kamran

Versus

The State, etc.

S. No. of order/ proceedings	Date of order/ Proceedings	Order with signature of Judge and that of parties or counsel where necessary.
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20.03.2020.

Mr. Wahid Hussain, Advocate alongwith petitioner.
Mr. Zohaib Hassan Gondal, State Counsel.
Malik Mumtaz Ahmed, Advocate alongwith complainant/ respondent No.2.
Muhammad Anwar, ASI, P.S. Aabpara, Islamabad.

Through this CrI. Misc., the petitioner Muhammad Kamran has applied for pre-arrest bail in case FIR No.398, dated 25.11.2019, U/S 489-F PPC, P.S. Aabpara, Islamabad.

2. Brief facts referred in the instant case are that petitioner has been nominated as accused in this case on account of dishonestly issuing three cheques, total amounting to Rs.18,73,000/- in favour of the complainant/respondent No.2 against the consideration of business relating to sale of batteries.

3. Learned counsel for the petitioner contends that petitioner has business dispute with respondent No.2 and he is ready to pay the amount but at this stage he is not in position to resolve the liability and even he has to receive his amount from other creditors to pay the liability and all the cheques were issued for security purpose.

4. Conversely, learned counsel for the complainant alongwith learned State counsel contend that petitioner has acknowledged the issuance of post dated cheques against the liability and no malafide has been alleged in this case and petitioner is not entitled for concession of pre-arrest bail.

5. Arguments heard, record perused.

6. Tentative assessment of record reveals that petitioner has issued three post dated cheques bearing No.17228566, 17228569, 17228575 amounting to Rs.5,30,000/-, Rs.4,83,000/- and Rs.8,60,000/- respectively, which were dishonoured on their presentation by the complainant and these cheques have been issued in relation to purchase of different kind of batteries i.e. Volta, Exide, etc. and all the batteries have been sold out by the petitioner to third party but he has not paid the amount to the complainant and when he was confronted by the complainant, he has issued post dated cheques referred in the FIR.

7. Cursory glimpse of record reveals that petitioner has issued post dated cheques and even he has not denied the same before this Court, however, he could not justify any malafide on the part of complainant or police at this stage, which is the pre-requisite for grant of pre-arrest bail and even pre-arrest bail is not a substitute of post arrest bail in every run of the mill criminal case, as it seriously hampered the course of investigation. Considerations of malafide intention,

ulterior motive or abuse of process of law are conspicuously missing in the present case. Reliance is placed upon 2019 SCMR 1129 (Rana Abdul Khaliq Vs. The State and others), 2020 SCMR 249 (Gulshan Ali Solangi and others Vs. The State through P.G. Sindh) and 2020 SCMR 168 (Mir Muhammad and others Vs. NAB through Chairman and others).

8. Keeping in view the above position, instant petition stands dismissed and ad-interim pre-arrest bail granting order dated 17.02.2020 is hereby recalled.

(MOHSIN AKHTAR KAYANI)
JUDGE

Zahid