

**ORDER SHEET.**

**IN THE ISLAMABAD HIGH COURT, ISLAMABAD.**  
**JUDICIAL DEPARTMENT.**

**Criminal Misc. No. 670/B/2020.**

Mansoor Hussain

*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.
	11.05.2020.	Mr. Sajjad Haider Malik, Advocate for petitioner. Mr. Muhammad Sohail Khursheed, State Counsel. Ch. Sajid Abdullah Sraa, Advocate for complainant/respondent No.2. Muhammad Nawaz, S.I P.S. Kohsar, Islamabad.

Through this CrI. Misc., petitioner has prayed for post-arrest bail in case FIR No.139, dated 19.03.2020, U/S 489-F PPC, P.S. Kohsar, Islamabad, lodged on the complaint of respondent No.2, who alleged that petitioner has issued post dated cheque No.39566947, dated 30.05.2019 of J.S Bank, Bhara Kahu Branch amounting to Rs.40,00,000/-, which was dishonoured on its presentation and same was issued against the due amount of business transaction of steel supply.

2. Learned counsel for the petitioner contends that petitioner is innocent and has falsely been implicated in this case and the entire matter is of civil dispute which could only be resolved through competent Court and even leave has been granted in suit for recovery filed by complainant U/O XXXVII CPC by the competent Court to the petitioner and as such petitioner is entitled for

concession of post-arrest bail.

3. Conversely, learned State Counsel as well as learned counsel for complainant/respondent No.2 contend that petitioner is habitual and even 7/8 FIRs of similar nature have been registered against the petitioner out of which 03 FIRs have been registered on the complaint of present complainant; that challan has been submitted in the Court and it is in the better interest of justice to pass a direction for early conclusion of the trial.

4. Arguments heard, record perused.

5. The tentative assessment of record reveals that above mentioned FIR has been lodged on the complaint of respondent No.2 who is working as supplier of building construction material and delivered steel to the petitioner who is contractor, whereby petitioner has issued post dated cheque of Rs.40,00,000/-, which was dishonoured on its presentation.

6. The record reflects that entire matter revolves around business transaction, even civil suit for recovery has been filed by the complainant against the petitioner, whereby leave to appear and defend the suit was granted by the Court concerned in order to verify true facts as to under what circumstances cheque was issued. All these facts make the case of petitioner that of further inquiry in terms of Section 497(2) Cr.P.C. The offence with which petitioner has been charged does not fall within the prohibitory clause of Section 497 Cr.P.C. and the

maximum sentence for the offence U/S 489-F PPC is 03 years. Even challan has been submitted in the Court and petitioner is behind the bars since 14.04.2020 in this case and no useful purpose would be achieved by keeping the petitioner behind the bars. Even otherwise, trial is not insight due to Covid-19 pandemic and mere registration of other criminal cases is no ground for refusal of bail when petitioner is otherwise entitled for concession of bail. Reliance is placed upon PLD 1995 SC 34 (Tariq Bashir and 5 others Vs. The State), PLD 2017 SC 733 (Muhammad Tanveer Vs. The State) where grant of bail in such type of cases is rule and refusal is an exception.

7. In view of above, instant petition is allowed and the petitioner is admitted to post arrest bail subject to his furnishing of bail bonds in the sum of Rs.2,00,000/- (Rupees Two Lac only) with two sureties in the like amount to the satisfaction of learned trial Court.

(MOHSIN AKHTAR KAYANI)  
JUDGE

Zahid