JUDGMENT

MOHSIN AKHTAR KAYANI, J.---The petitioner, Khurram Shahzad son of Aftab Ahmed seeks Post-arrest bail in case FIR No.02/17 dated 02-01-2017 registered under section 489-F, P.P.C. Police Station Kohsar Islamabad.

2. In essence, the allegation against the petitioner/accused as unfurled from the contents of FIR is that the petitioner/accused had to pay Rs. 1800,000/- to the complainant and in order to clear the financial liability, petitioner issued three cheques which on presentation before the bank concerned were dishonoured. Hence, the above mentioned FIR was registered.

3. Learned counsel for the petitioner has argued that petitioner is innocent; that the petitioner had issued the cheques as guarantee and the complainant has also received partial amount from the petitioner; that the offence with which the petitioner is charged does not fall within the prohibitory clause of section 497, Cr.P.C., hence, the petitioner is entitled for concession of post-arrest bail.

4. Conversely learned Deputy Attorney-General as well as learned counsel for respondent No.2/complainant have opposed the bail petition while arguing that issuance of cheques by the petitioner is admitted and petitioner is also involved in four other cases of similar nature, as such, he is habitual offender, hence, petitioner is not entitled for concession of bail.

5. I have heard the learned counsel for the petitioner, learned Deputy Attorney-General as well as learned counsel for respondent No.2/complainant and perused the record.

6. Cursory glimpse of record reflects that petitioner is facing incarceration since 04-07-2017, though Challan has been submitted before the learned trial Court on 07-07-2017 but trial has not yet been commenced in terms of recording of evidence. Whereas, the maximum punishment provided for the offence under section 489-F, P.P.C. is three years which does not fall within the prohibitory limb of section of 497, Cr.P.C. and keeping the petitioner behind the bars for an indefinite period would not serve any useful purpose and would amount to punishment before conviction, which is not permissible under the criminal jurisprudence. In cases where the offence does not fall within the prohibitory clause of 497, Cr.P.C. grant of bail is a rule whereas, its refusal is an exception. Reliance in this regard is placed on Tariq Bashir and 5 others v. The State (PLD 1995 SC 34) and Muhammad Tanveer v. The State (PLD 2017 SC 733). Moreover, the investigation is complete and the petitioner is no more required for any further investigation. The bail cannot be withheld as a measure of punishment. Moreover, on the basis of mere registration of other cases, petitioner cannot be refused bail, if he is otherwise entitled for the same. The ultimate conviction and incarceration of a guilty person can repair the wrong caused by a mistaken relief but no satisfactory reparation can be offered to an innocent man for his unjustified incarceration at any stage of the case. There is no chance of tampering the prosecution evidence by the petitioner, if he is enlarged on bail.

7. In view of the above perspective, the petitioner is admitted to post-arrest bail subject to his furnishing bail bonds in the sum of Rs.100,000/- (rupees one lac) with one local surety in the like amount to the satisfaction of the learned trial Court.