

**PESHAWAR HIGH COURT,**  
**ABBOTTABAD BENCH.**

*[Judicial Department].*

**Cr.Misc./ BA No.147-B of 2017**

**Kamran Mukhtiar**

**Vs.**

**The State and another**

**JUDGMENT**

Date of hearing \_\_\_\_\_ 03.05.2017 \_\_\_\_\_.

Appellant-Petitioner \_\_\_\_\_

\_\_\_\_\_

Respondent \_\_\_\_\_

**SYED MUHAMMAD ATTIQUE SHAH, J.-** The

petitioner, Kamran Mukhtiar Qureshi seeks his release on bail, in case F.I.R No.1210, dated 01.11.2016 under section 489-F PPC, Police Station City, Mansehra.

2. Briefly stated facts of the case as mentioned in the F.I.R mentioned above, are that the accused/ petitioner had issued a cheque bearing No.07206421 dated 22.2.2016 amounting to

Rs.22,00,000/- of United Bank Limited Mughalpura Road, Lahore in favour of the complainant, on account of outstanding amount for purchase of vehicle (Toyota Coaster), which on presentation before the Bank was dishonoured due to insufficient amount in the account.

**3** I have heard the arguments of the learned counsel for the parties as well as learned Addl: A.G for the State and have gone through the record.

**4.** Perusal of the record reveals that accused/ petitioner had issued the cheque in question on 22.2.2016 which was presented to the concerned bank firstly on 25.2.2016 and the same was dishonoured due to insufficiency of amount in the account. The same was later on again presented to the said bank on 16.8.2016 and once again the same was dishonoured for the said reason. Therefore, the complainant lodged the report on 26.10.2016.

5. The record further reveals that admittedly there was a transaction between the complainant and accused/petitioner for the purchase of vehicle (Toyota Coaster), which was not fulfilled by the accused/petitioner as narrated in the F.I.R by the complainant. Moreover, there is a decision of Jirga dated 29.9.2015 available on record of the case signed by the accused/petitioner, complainant and witnesses regarding return of the disputed amount, which clearly makes the case one of business transaction between the accused/petitioner and complainant. Furthermore, a civil suit for rendition of account etc between the accused/petitioner and complainant is shown pending before the Court of Senior Civil Judge, Lahore filed on 22.6.2016. Copy of the same has been annexed with the record of present bail application. The present accused/petitioner has been arrested in the present case

on 07.11.2016. The investigation in the case in hand is complete, rather trial has also been commenced.

6. The offence with which the accused/ petitioner is charged does not fall within the prohibitory clause of section 497 (1) Cr.PC as maximum punishment provided for the offence is three years or fine or both and in such like cases grant of bail is a rule, while refusal is an exception to that rule.

7. It is also one of the important aspect of the case that the offence for which the accused/ petitioner is charged with having lesser punishment and if he remained in jail for longer time and ultimately the prosecution failed to establish guilt against him, then long detention in jail would cause loss to the accused/ petitioner and his liberty would be curtailed without any legal justification.

8. In view of what has been discussed above, this petition is allowed and the accused/petitioner is admitted to bail provided he furnishes bail bonds to the sum of Rs.2,00,000/- (one lac) with two sureties each in the like amount to the satisfaction of Illaqa/Duty Judicial Magistrate, who shall ensure that the sureties are local, reliable and men of means.

9. Any observation made in the order being tentative in nature shall not affect the trial of the case in any manner.

10. Above are the reasons for the short order of even date.

Announced:  
Dt:-03.5.2017  
Aftab/\*

**J U D G E**