

IN THE SUPREME COURT OF PAKISTAN  
(APPELLATE JURISDICTION)

**PRESENT:**

MR. JUSTICE MAQBOOL BAQAR

MR. JUSTICE SAYYED MAZAHAR ALI AKBAR NAQVI

**CRIMINAL PETITION NO. 495 OF 2021**

*(On appeal against the order dated 16.02.2021 passed by the Lahore High Court, Lahore in Crl. Misc. No. 50990-B/2020)*

Syeda Sumera Andleeb

... Petitioner

**VERSUS**

The State and another

... Respondents

For the Petitioner:

Mr. Mazhar Iqbal Sindhu, ASC  
Syed Rifaqat Hussain Shah, AOR

For the State:

Ch. Muhammad Sarwar Sindhu, Addl. P.G.  
Mr. Asif Raza, S.I.

Date of Hearing:

07.06.2021

**ORDER**

**SAYYED MAZAHAR ALI AKBAR NAQVI, J.-** Through this petition under Article 185(3) of the Constitution of Islamic Republic of Pakistan, 1973, the petitioner seeks post-arrest bail in case registered vide FIR No. 266 dated 19.02.2020 under Section 489-F PPC at Police Station Sattokatla, Lahore. The same relief was denied to her by the learned Trial Court as also by the High Court vide impugned order.

2. As per contents of the crime report, the petitioner and her husband took loan of rupees twenty million from the complainant in the presence of witnesses and towards the discharge of the liability, they gave the complainant a cheque amounting to Rs.50,00,000/-, which belonged to an account which was being jointly maintained by the petitioner and her husband. When the complainant did not get back the amount lent, he deposited the cheque in his account but the same was dishonored.

3. Learned counsel for the petitioner inter alia contended that the petitioner has no concern with the case as she was just maintaining a joint account with her husband; that her husband, who is the main accused, is still at large; that she is a lady and has

*to look after her three children, one of which is a minor girl aged about 5 years; that the only reason on which the cheque was dishonored was that the signatures over the cheque do not match with the specimen signature; that the offence does not fall within the prohibitory clause of Section 497 Cr.P.C and that in the given circumstances, the petitioner deserves concession of bail in the interest of safe administration of justice.*

4. *On the other hand, learned Law Officer has opposed the contentions raised by learned counsel for the petitioner. He while supporting the impugned order declining bail to the petitioner contended that the petitioner is involved in a number of cases of similar nature, which shows that she is an habitual offender; that the petitioner along with her husband, in furtherance of their common intention, had intentionally deprived the complainant from a huge amount and as such she does not deserve any leniency by this Court.*

5. *Arguments heard. Record perused.*

*It is an admitted fact that the petitioner was maintaining a joint account with her husband, who is fugitive from law. The petitioner was taken into custody by the local police and she is behind the bars for the last 11 months without commencement of trial. The maximum punishment provided under the statute is 3 years. It has been surfaced on the record that the signature over the cheque mismatched with the specimen signature, which ultimately dishonored. So far as the argument of learned Law Officer that the petitioner is involved in a number of cases of similar nature is concerned, mere registration of criminal cases does not deprive a person from grant of bail, if he/she is otherwise entitled for the same relief. In Muhammad Rafiq Vs. State (1997 SCMR 412), this Court has candidly held that if an accused is involved in a number of cases, it is not sufficient to deprive him of his liberty. Same was the view of this Court in Moundar Vs. The State (PLD 1990 SC 934). Even otherwise, the petitioner is a woman folk and has three children to look after including a child of 5 years of age. The offence does not fall within the prohibitory clause of Section 497 Cr.P.C.*

6. *For what has been discussed above, the petitioner has made out a case for bail. Consequently, we convert this petition into appeal, allow it and set aside the impugned order. The petitioner is admitted to bail, subject to her furnishing bail bonds in the sum of Rs.10,00,000/- (rupees one million) with one surety in the like amount to the satisfaction of learned Trial Court.*

JUDGE

JUDGE

Islamabad, the  
7<sup>th</sup> of June, 2021  
Approved For Reporting  
Khuram