

No: HCJD/C-121

ORDER SHEET

**IN THE LAHORE HIGH COURT LAHORE
JUDICIAL DEPARTMENT**

Case No. CrI. Misc. No.240126-B/2018

Muhammad Razaqat Yousaf

Versus

The State, etc.

S.No. of order/ Proceedings	Date of order/ Proceedings	Order with signature of Judge and that of Parties of counsel, where necessary.
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2. 04.12.2018 Mr. Ajab Khan, Advocate alongwith the petitioner.
Mr. Irfan Zia, Deputy Prosecutor General alongwith
Saeed, ASI.
Ch. Khalid Rasheed, Advocate for the complainant.

Through this petition, Muhammad Razaqat Yousaf petitioner has sought pre-arrest bail in case FIR No.566/2018 dated 15.05.2018, registered for offence under Section 489-F of Pakistan Penal Code, 1860 at Police Station Islampura, District Lahore.

2. Succinctly, the allegation against the petitioner is that he issued a cheque valuing Rs.37,00,000/- to the complainant which, on presentation, was dishonoured due to paucity of funds.

3. Heard. Record perused.

4. The learned counsel appearing on behalf of the complainant does not contest the argument furnished by learned counsel for the petitioner to the effect that out of the amount of Rs.37,00,000/-, subject matter of the cheque in issue, the complainant has already received Rs.10,00,000/- on 29.12.2017 which transpires that after 29.12.2017 Rs.37,00,000/- were not the financial obligation of the petitioner but even then the complainant presented the cheque amounting to Rs.37,00,000/- for encashment to the bank concerned which stands returned on 27.03.2018. In the

abovementioned circumstances, if the petitioner has not paid the remaining amount to the complainant, he is having the remedy to file a suit against the petitioner for recovery of that amount. After the admitted partial payment out of the total amount, mentioned in the subject cheque, the complainant should not have presented the same for encashment but he did so which prima-facie, reflects mala fide on his part. The petitioner has already joined the investigation while offence alleged does not fall within the prohibitory clause of Section 497 of Code of Criminal Procedure, 1898. For all mentioned above, sending him behind the bars is neither likely to serve any useful purpose nor seems justified. Hence, this petition is allowed and the ad-interim pre-arrest bail already granted to the petitioner vide order dated 05.10.2018 is hereby confirmed subject to his furnishing fresh bail bonds in the sum of Rs.100,000/-, with one surety in the like amount, to the satisfaction of the learned trial Court.

(Syed Shahbaz Ali Rizvi)
Judge

Approved for reporting

Judge

S. Zahid