

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD.
Cr.Misc. Appln:No.S-286 of 2026

Applicant: Muhammad Ali Memon through Ms. Meer Neelam, Advocate.

Respondents: Through Abdullah Jan & the State (nemo).

Date of Hearing: 11.06.2026.

Date of Order 11.06.2026

ORDER

TASNEEM SULTANA, J.— Through the instant Criminal Miscellaneous Application, the applicant/complainant Muhammad Ali Memon has called in question the legality of the order dated 11.05.2026, passed by the learned IIIrd Additional Sessions Judge, Hyderabad, in Criminal Bail Application No.1125 of 2026, whereby interim pre-arrest bail granted to accused/respondent Abdullah Jan son of Hazar Khan was confirmed in Crime No.116 of 2026, registered at Police Station Hatri, Hyderabad, for offence punishable under Section 489-F, P.P.C. The applicant/complainant seeks recall/cancellation of the bail so confirmed.

2. Brief facts of the prosecution case are that the complainant Muhammad Ali Memon claims to be running a coal company in the name of Royal Traders at Liaquat Colony, Hyderabad. He alleged that he sold a coal permit measuring 464 acres, situated at Jhampir Coal Field, District Thatta, to accused / respondent Abdullah Jan and co-accused Nazar Muhammad for total consideration of Rs.45,00,000/- through agreement dated 02.08.2021. As per F.I.R., Nazar Muhammad issued two cheques which were honoured, whereas accused / respondent Abdullah Jan issued cheque No.2450451465 for Rs.20,00,000/-, dated 05.02.2022, drawn on ABL Bank, Hala Naka, Hyderabad Branch, which, upon presentation by the complainant in his account at Habib Metro Bank, Hala Naka, Hyderabad, was dishonoured on 22.06.2022 and returned with memo. It was further alleged that the accused/respondent kept the complainant on false hopes for payment and, thereafter, the complainant approached the Court and got the present F.I.R. registered.

3. Learned counsel for the applicant/complainant contends that the impugned order suffer from misreading and non-reading of material available on record; that the accused/respondent is nominated in the F.I.R.; that issuance of cheque and its dishonor are supported by documentary material; that the learned trial Court erred in treating the matter as one requiring further inquiry; that civil liability and criminal liability may coexist in a case under Section 489-F, P.P.C.; that after securing bail, the accused/respondent has allegedly misused the concession by threatening and pressurizing the complainant party; that the accused/respondent originally belongs to Quetta, Balochistan, and there is apprehension of his absconsion; and that the impugned order, being perverse and based on irrelevant considerations, is liable to be recalled.

4. Learned D.P.G. for the State, while assisting the Court, supports the impugned order and submits that no exceptional circumstance warranting recall/cancellation of bail has been made out.

5. I have heard learned counsel for the applicant, learned D.P.G. for the State and have perused the material available on record with their able assistance.

6. Before dilating upon the grounds urged by the applicant, it would be appropriate to refer to the settled principles governing cancellation of bail. In *Sami Ullah and another v. Laiq Zada and another* (2020 SCMR 1115), the Honourable Supreme Court of Pakistan has held that bail granted to an accused can be recalled in the following circumstances:

i) If the bail granting order is patently illegal, erroneous, factually incorrect and has resulted in miscarriage of justice.

ii) That the accused has misused the concession of bail in any manner.

iii) That accused has tried to hamper prosecution evidence by persuading/pressurizing prosecution witnesses.

iv) That there is likelihood of absconsion of the accused beyond the jurisdiction of Court.

v) That the accused has attempted to interfere with the smooth course of investigation.

vi) That accused misused his liberty while indulging into similar offence.

vii) That some fresh facts and material has been collected during the course of investigation which tends to establish guilt of the accused.

7. In the present case, the grounds urged by the applicant, in substance, relate to factual controversy between the parties and disagreement with the tentative view formed by the learned trial Court. Cancellation of bail cannot be ordered merely because another view of the same material is possible, unless the order granting bail is shown to be patently illegal, perverse, arbitrary, based on gross misreading or non-reading of material, or unless subsequent misuse of concession is established through strong and convincing material.

8. Tentative assessment of the material reflects that the dispute between the parties arose out of a business transaction relating to sale/purchase of coal permit. The F.I.R. itself shows that two cheques issued in the same transaction were honoured, whereas the cheque allegedly issued by accused/respondent Abdullah Jan was dishonoured on 22.06.2022. The record further shows that the complainant approached the Court in April, 2026, whereafter the matter was reported to police. The learned trial Court also noticed the delay, the non-prohibitory nature of the offence under Section 489-F, P.P.C., and the question whether the cheque was issued with dishonest intention for repayment of loan or discharge of obligation. These aspects, at bail stage, were sufficient to attract further inquiry and could not be conclusively resolved without recording evidence.

9. In such circumstances, the tentative view taken by the learned trial Court cannot be treated as patent illegality, perversity or gross misreading/non-reading of material merely because the applicant seeks a different appreciation of the same record.

10. So far as the allegations regarding threats, influence, misuse of concession and apprehension of absconsion are concerned, the same are general in nature. No independent material of unimpeachable character has been placed before this Court at this stage to show that

accused/respondent Abdullah Jan has misused the concession of bail in a manner attracting the stringent principles governing cancellation of bail. Mere apprehension or assertion would not be sufficient for recalling bail already confirmed by a competent Court.

11. In view of the above facts and circumstances, the applicant has failed to make out any exceptional case for recall/cancellation of bail. The impugned order dated 11.05.2026 does not appear to suffer from such patent illegality, perversity or gross misreading/non-reading of material as would warrant interference under Section 497(5), Cr.P.C. Consequently, the instant Criminal Miscellaneous Application is dismissed in limine.

12. Needless to observe that the observations made hereinabove are tentative in nature and shall not prejudice either party at trial.

J U D G E

Ahmed/Pa,