

HIGH COURT OF SINDH, CIRCUIT COURT HYDERABAD

Cr. Bail. Application No.S-313 of 2026

Applicant: Nawaz Iftikhar Alam son of Nabi
Bux Panhwar through Mr. Pervez
Tarique Tagar, Advocate.

Complainant by: Mr. Imtiaz Ali Abbasi Advocate.

State by: Mr. Khalid Hussain Lakho, Deputy
Prosecutor General, Sindh.

Date of hearing 15.06.2026

Date of Order 15.06.2026

ORDER

TASNEEM SULTANA, J:- Through this Criminal Bail Application, the applicant Nawab Iftikhar Alam seeks pre-arrest bail emanating from FIR No.19 of 2026 registered at Police Station Cantt Hyderabad for an offence punishable under Section 489-F PPC. His earlier Criminal Bail Application No.284 of 2026 was dismissed by the learned IVth Additional Sessions Judge, Hyderabad vide order dated 06.03.2026; hence, this application for the same concession.

2. Brief facts of the prosecution case, as per FIR, are that the complainant Ghulam Nabi alleged that he was doing business of sale and purchase of cars and had business relations with the applicant Nawab Iftikhar Alam. It was alleged that the applicant purchased Toyota Corolla, model 2022, bearing registration No.BYG-622, for Rs.7,000,000/-, paid Rs.1,000,000/- in cash and issued cheque No.01704297 dated 05.09.2024 for the remaining amount of Rs.6,000,000/-. It was further alleged that the applicant also purchased Toyota Corolla GLI, model 2019, bearing registration No.BQK-913, and Toyota Corolla, model 2022, bearing registration No.BYM-077, and in respect of one of the transactions, cheque No.D-25987227 dated 05.11.2024 was issued in the name of co-accused Shoaib Akhtar Soomro. On presentation, both cheques were dishonoured on 30.01.2025, whereafter the accused allegedly avoided payment; hence, the FIR was lodged.

3. Learned counsel for the applicant contended that the applicant is innocent and has been falsely implicated in the present crime; that there is inordinate delay of about one year in registration of FIR; that the dispute between the parties arises out of business transaction; that the ingredients of Section 489-F PPC are not attracted against the applicant; that the offence does not fall within the prohibitory clause of Section 497 Cr.P.C. and grant of bail in such like cases is a rule and refusal is an exception. He lastly prayed for confirmation of interim pre-arrest bail.

4. Conversely, learned Deputy Prosecutor General, assisted by learned counsel for the complainant, opposed the application; contending that the applicant is named in the FIR with specific role; that the cheque belongs to the applicant and was dishonoured due to insufficient funds; that the applicant has failed to point out any mala fide on the part of the complainant; that the applicant has previous criminal record of similar nature; therefore, he is not entitled to the extraordinary concession of pre-arrest bail.

5. Heard and record perused.

6. The record reflects that the dispute between the parties has arisen out of business dealings relating to sale and purchase of vehicles. The complainant himself has stated in the FIR that he was engaged in the business of sale and purchase of cars and had business relations with the applicant. It further appears that the cheque in question was issued by the applicant on 05.09.2024 and was allegedly dishonoured on 30.01.2025, whereas the FIR was lodged on 29.01.2026. In such circumstances, whether the cheque was issued dishonestly in discharge of a legally enforceable obligation, or related to continuing business dealings between the parties, is a question which requires evidence and cannot be conclusively determined at bail stage. The delay in lodging the FIR, the admitted business relationship between the parties and the nature of transaction make the matter one of further inquiry within the meaning of Section 497(2), Cr.P.C. It is settled law that where a case calls for further inquiry into the guilt of an accused within the contemplation of Section 497(2), Cr.P.C., the accused becomes entitled to the concession of bail as a matter of right. Reliance in this regard is placed on the case of *Salman Mushtaq & others v. The State through P. G Punjab and another* (2024 SCMR 14). wherein the Honourable Supreme Court observed as under: -

“6...While considering the grounds agitated for enlargement on bail, whether pre-arrest or post-arrest, the atrociousness, viciousness and/or gravity of the offence are not, by themselves, sufficient for the rejection of bail where the nature of the evidence produced in support of the indictment creates some doubt as to the

veracity of the prosecution case. Therefore, where, on a tentative assessment, there is no reasonable ground to believe that the accused has committed the offence, and the prosecution case appears to require further inquiry, then in such circumstances the benefit of bail may not be withheld as a punishment to the accused...”

7. Furthermore, the offence under Section 489-F PPC carries maximum punishment of three years and does not fall within the prohibitory clause of Section 497 Cr.P.C. The settled principle of law is that in offences not falling within the prohibitory clause, grant of bail is a rule and refusal is an exception. Reliance in this regard may beneficially be placed upon the case of Abdul Rasheed v. The State (2023 SCMR 1948), wherein the Hon’ble Supreme Court observed as under:

“Even otherwise, even if the complainant wants to recover his money, Section 489-F of PPC is not a provision which is intended by the Legislature to be used for recovery of an alleged amount. In view of the above, the question whether the cheques were issued towards repayment of the loan or fulfillment of an obligation within the meaning of Section 489-F PPC is a question, which would be resolved by the learned Trial Court after recording of evidence. The maximum punishment provided under the statute for the offence under Section 489-F PPC is three years and the same does not fall within the prohibitory clause of Section 497 Cr.P.C. It is settled law that grant of bail in offences not falling within the prohibitory clause is a rule and refusal is an exception.”

8. Similarly, in the case of Abdul Saboor v. The State through A.G. KPK & another (2022 SCMR 592), the Hon’ble Supreme Court of Pakistan observed that the offence under Section 489-F PPC does not fall within the prohibitory clause of Section 497 Cr.P.C. and that since the maximum sentence provided under Section 489-F PPC is three years, bail should generally be granted rather than refused. The Hon’ble Supreme Court further emphasized that Section 489-F PPC is not intended to serve as a tool for monetary recovery, which is the domain of civil litigation under Order XXXVII of the Civil Procedure Code.

9. So far as the CRO produced against the applicant is concerned, it only shows registration of previous cases of similar nature. No conviction has been shown, nor has any material been brought on record to establish that the applicant misused the concession of bail in those cases. Mere pendency of other cases, without more, cannot be treated as a conclusive ground to deny bail, particularly when the present case otherwise calls for further inquiry.

10. In view of the above facts and circumstances, the applicant has made out a case for grant of pre-arrest bail, considering the principle embodied in Section 497(2), Cr.P.C. while deciding relief under Section 498, Cr.P.C. Consequently, the instant pre-arrest bail application is allowed and the interim pre-arrest bail

granted to the applicant vide order dated 10.03.2026 is hereby confirmed on the same terms and conditions.

11. The observations made herein are tentative in nature and shall not influence the learned trial Court while deciding the case on merits.

12. These are the reasons of my order dated 15.06.2026.

JUDGE

Ahmed/Pa,