

**IN THE HIGH COURT OF SINDH, CIRCUIT COURT,
HYDERABAD**

Criminal Bail Application No.S-756 of 2025

Applicant: Ghulam Abbas Son of Ghulam Nabi through Mr. Sajid Ali Soomro, Advocate.

Complainant: Shahzad Gul Son of Ameer Gul through Mr. Shuhabuddin Shah, Advocate.

Respondent: The State through Mr. Irfan Ali Talpur, D.P.G.

Date of hearing: 09.03.2026

Date of order: 09.03.2026

ORDER

Riazat Ali Sahar, J. Through this bail application filed under Section 498 of the Code of Criminal Procedure, the applicant, Ghulam Abbas, seeks pre-arrest bail in Crime No. 50 of 2025, registered at Police Station Hala New, for an offence punishable under Section 489-F of the Pakistan Penal Code. His earlier bail plea was rejected by the learned Additional Sessions Judge, Hala vide order dated 04.07.2025.

2. As per the contents of the F.I.R., the applicant/accused allegedly issued Cheque bearing No. CA-27267861 dated 10.12.2024 in the sum of Rs.200,000/- (Rupees Two Lac) in favour of the complainant. Upon presentation of the said cheque before the concerned bank, the same was returned dishonoured, which consequently led to the registration of the instant F.I.R. against the applicant.

3. Learned counsel for the applicant contended that the F.I.R. has been lodged after an inordinate and unexplained delay of three months and thirteen days, which clearly suggests that the same was registered after due deliberation and consultation. He further submitted that prior to the registration of the present case, the complainant had already lodged F.I.R. No.152 of 2024 under Section 489-F, P.P.C. at Police Station

Bhitshah, and thereafter proceeded to lodge the instant F.I.R., which, according to him, amounts to harassment and blackmail of the applicant. It was argued that if the complainant was aggrieved by the dishonour of cheques, all such cheques ought to have been made subject matter of a single F.I.R., rather than instituting multiple criminal proceedings for each individual cheque. Learned counsel further maintained that the dispute essentially arises out of a monetary transaction between the parties, which is predominantly civil in nature, but has been given a criminal colour merely to exert undue pressure upon the applicant. He further submitted that the alleged offence under Section 489-F, P.P.C. carries a maximum punishment of three years and therefore does not fall within the prohibitory clause of Section 497(1), Cr.P.C. Consequently, according to the learned counsel, the case of the applicant squarely calls for further inquiry within the meaning of subsection (2) of Section 497, Cr.P.C.

4. Conversely, the learned Deputy Prosecutor General, Sindh, assisted by the learned counsel for the complainant, opposed the confirmation of bail, contending that sufficient material is available on record connecting the applicant with the commission of the alleged offence.

5. Arguments heard and the record perused tentatively.

6. It appears that the F.I.R. has been lodged after an unexplained delay of three months and thirteen days, which prima facie casts doubt upon the bona fides of the complainant and renders the prosecution story open to further scrutiny. The applicant has disputed the very nature of the transaction and has asserted that the matter essentially arises out of a civil arrangement relating to the purchase of bricks through an agreement between the parties, wherein the cheque in question was allegedly issued merely as a security or guarantee. At this preliminary stage, it appears that the dispute, which predominantly bears a civil complexion, has been given a criminal colour with a view to exert undue pressure upon the applicant and to

cause harassment. It is further noted that the alleged offence under Section 489-F, P.P.C. does not fall within the prohibitory clause of Section 497, Cr.P.C., and it is a settled principle of law that bail cannot be withheld merely on the basis of allegations unless there exist compelling circumstances warranting the continued incarceration of an accused person. The applicant is stated to have no previous criminal record and enjoys clean antecedents, which also weighs in favour of the grant of bail. In the circumstances discussed above, the case of the applicant appears to fall within the ambit of “further inquiry” as contemplated under Section 497(2), Cr.P.C.

The Honourable Supreme Court of Pakistan, in the case of **Bashir Ahmed v. The State and others (2023 SCMR 748)**, has been pleased to observe that:–

7. “Then there is inordinate delay, which has not been explained, in registering the FIR. And, as yet no proof has been tendered to show that the amount of two million and two hundred thousand rupees was paid to the petitioner by the complainant. There is also no evidence, at this stage, with regard to the stated ingredients of section 489F of the Code, which may bring it within the ambit of mala fide on the part of the complainant. In the circumstances this also makes it a case of further inquiry.”

8. In view of the foregoing, *prima facie*, the applicant has succeeded in making out a case for **further inquiry**, as contemplated under **Sub-Section (2) of Section 497 of the Code of Criminal Procedure (Cr.P.C.)**. Consequently, the instant **Criminal Bail Application** was **allowed**, and the interim pre-arrest bail already granted to the applicant vide order dated 14.07.2025 was **confirmed** on same terms and conditions.

9. Before parting, it needs not to make clarification that the observations recorded above are tentative in nature, therefore, the trial Court shall not be influenced in any manner whatsoever.

JUDGE