

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

Criminal Bail Application No.S-1624 of 2025

Applicant: Rehan Ahmed Siyal Son of Ghulam Rasool
through Mr. Faisal Ali Raza Bhatti, Advocate.

Complainant: Mr. Aroon Kumar, advocate held brief for Mr.
Imtiaz Ali Abbasi, counsel for complainant.

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 the instant bail application filed under Section 497 Cr.P.C., the applicant Rehan Ahmed Siyal seeks post-arrest bail in Crime No.190 of 2025, registered at Police Station Bhitai Nagar Hyderabad, for offence punishable under Section 489-F PPC. His earlier bail application was dismissed by the learned IV-Additional Sessions Judge/MCTC-II, Hyderabad vide order dated 15.12.2025.

2. The brief allegation against the applicant is that in connection with a monetary transaction he issued several cheques to the complainant. However, Cheque No.00002486 amounting to Rs.25,623,333/-, when presented by the complainant, was returned unpaid by the bank with the remarks “insufficient funds in the drawer’s account”, whereupon the present FIR was registered.

3. Learned counsel for the applicant contended that on a similar transaction FIR bearing Crime No.131 of 2025 under section 489-F PPC was earlier registered against the applicant at P.S. Cantonment, Hyderabad, in which he has already been granted bail by this Court vide order dated 13.11.2025. He submits that the present FIR also arises out of the same nature of transaction; therefore, the applicant is entitled to the same relief. It is further

contended that the present FIR was lodged after obtaining an order upon application under sections 22-A & 22-B Cr.P.C., however, the facts narrated in the said application and the FIR are materially different. The FIR is silent with regard to the exact date and time when the alleged amount was paid to the applicant, the mode of payment (whether cash, bank transfer, pay order, etc.), the place of transaction, and the presence of any independent witnesses at the time of the alleged payment. Learned counsel further submits that the alleged transaction, if any, is purely civil in nature and is already amenable to civil remedies, but the complainant has set the criminal law in motion merely to pressurize and harass the applicant. It is lastly argued that no recovery is to be effected from the applicant, his custody is not required for the purpose of investigation, and the documentary evidence, if any, is already in possession of the complainant or the investigating agency; therefore, the case of the applicant calls for further inquiry within the meaning of section 497(2) Cr.P.C.

4. Counsel for complainant was not present and his behalf a brief was held by Mr. Aroon Kumar. Whereas learned Deputy Prosecutor General opposed the grant of bail to the applicant contending that sufficient material is available on record against the applicant, therefore, he does not deserve leniency of bail.

5. Arguments heard; record perused tentatively.

6. A perusal of the record reveals that there is a delay of fifty-five days in the lodgment of the FIR, which prima facie casts doubt upon the bona fides of the complainant. It further appears that another FIR bearing Crime No.131 of 2025, referred to above, was registered against the applicant on a similar transaction, in which he has already been granted bail by this Court. Moreover, the dispute relates to the sale and purchase of immovable property, which appears to be civil in nature and requires determination at trial. The investigation has already been completed and there is no allegation that, if released on bail, the applicant would tamper with the prosecution evidence or influence the witnesses. At this preliminary stage, it appears that the matter has been given a criminal colour to exert pressure upon the applicant. Furthermore, the offence under Section 489-F PPC does not fall within the prohibitory clause of Section 497 Cr.P.C., and bail cannot be withheld merely on the basis of

allegations without sufficient legal justification. The applicant is stated to have no previous conviction and clean antecedents, which also supports the case for grant of bail. In these circumstances, the case of the applicant squarely falls within the ambit of further inquiry. The Hon'ble Supreme Court in the case of *Bashir Ahmed v. The State and others (2023 SCMR 748)* has been pleased to observe that:-

“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.”

7. The guilt or otherwise of the applicant is yet to be established. Liberty of a person cannot be curtailed without lawful justification or as a form of pre-conviction punishment, and the applicant has remained behind the bar since the date of his arrest. The further incarceration of the applicant is not likely to serve any useful purpose, particularly when the allegations levelled in the FIR are yet to be proved at trial. At this pre-trial stage, prolonged detention of the applicant would amount to punishment before conviction, which is neither envisaged by law nor consonant with the settled principles governing bail, particularly where the case warrants deeper examination at trial.

8. In view of the foregoing, *prima facie*, the applicant succeeded in making out case(s) 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 in terms of my short order dated 09.03.2026. These are the reasons for the same.

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