

**ORDER SHEET
IN THE HIGH COURT OF SINDH CIRCUIT COURT
HYDERABAD**

Criminal Bail Applications No.S-258 of 2026

Applicant: Muhammad Shoban through Mr. Ahsan Ali Bhurgari, Advocate.

Respondent: The State through Mr. Irfan Ali Talpur, Deputy Prosecutor General, Sindh.

Complainant: Hussain Ahmed through Mr. Ayatullah Khuwja, Advocate.

Date of hearing: 18.03.2026.

Date of order: 18.03.2026.

ORDER

RIAZAT ALI SAHAR, J: - The applicant Muhammad Shoban son of Muhammad Shamoon seeks his release on post-arrest bail in a case registered against him at Police Station S.F. Rahu, District Badin vide Crime No.256 of 2025 under Section 489-F PPC.

2. Learned counsel for the applicant, while arguing in support of the instant application, has reiterated the grounds taken in the bail application and contended that the applicant is innocent and has been falsely implicated in this case due to *mala fide* intentions and ulterior motives. It is further contended that no such transaction, as alleged in the FIR, ever took place and the alleged cheque has neither been issued by the applicant towards any lawful liability nor bears his valid signatures. Learned counsel further contended that the matter essentially pertains to a civil dispute, if any and has been given a criminal colour.

3. On the other hand, learned counsel for the complainant as well as learned D.P.G. Sindh have opposed the grant of bail and supported the impugned allegations as set out in the FIR.

4. I have heard the learned counsel for the parties and perused the material available on record. From the tentative assessment of the case, following aspects have emerged:

- (a) The allegation against the applicant is that he obtained an amount of Rs.13,000,000/- from the complainant and

issued a cheque which was subsequently dishonoured due to insufficient funds.

- (b) Admittedly, the alleged transaction is of huge magnitude; however, no documentary proof has been placed on record by the complainant to substantiate that such a large amount was ever advanced to the applicant. No receipt, agreement, or account statement has been produced.
- (c) The complainant has also failed to explain the source of such a substantial amount and no material has been brought on record to show that he had the financial capacity or lawful means to advance such an amount.
- (d) There is an unexplained delay of about 45 days in lodging the FIR, which *prima facie* reflects deliberation and consultation and creates doubt about the veracity of the prosecution story.
- (e) It is further observed that the dates mentioned in the FIR regarding issuance and dishonour of cheque, *prima facie*, create serious inconsistencies, which require deeper appreciation of evidence at trial.
- (f) The defence plea regarding prior business dealings with a third party and alleged misuse of process for pressurizing the applicant cannot be brushed aside at this stage and calls for further inquiry.
- (g) The case of the prosecution mainly rests upon oral assertions and the disputed cheque, which requires verification through evidence and expert opinion during trial.
- (h) No independent witness has been cited; all the witnesses are interested and related to the complainant, which diminishes the probative value of their statements at this stage.
- (i) For the sake of arguments, even if it is presumed the applicant/accused issued the subject cheque which was subsequently dishonored by the Bank through its memo

and further, the cheque pertains to a substantial amount, such factor alone does not alter the legal position. **The legislature, in its wisdom, has not prescribed punishment under section 489-F PPC on the basis of the quantum of the cheque amount.** The crucial consideration, therefore, is the nature of punishment provided under the said provision. **The maximum sentence prescribed is up to 03 (three) years, which brings the alleged offence within the borderline of bailable and non-bailable offences.** As such, it does not fall within the prohibitory clause of section 497 Cr.P.C. which is attracted only where the punishment extends to death, imprisonment for life or imprisonment for ten years. Although primary dealing with broader criminal liability, the nature of financial transactions that mere issuance of cheque is not sufficient unless dishonest intention at the time of issuance is established, which is a key ingredient in the offence under section 489-F PPC.

- (j) It is by now well-settled that in offences not falling within the prohibitory clause, grant of bail is a rule and refusal is an exception. Reliance in this regard is placed on the judgments of the Honourable Supreme Court of Pakistan reported as 2021 SCMR 822 (Sheikh ABDUL RAHEEM v. The STATE), 2022 SCMR 592 (ABDUL SABOOR v. The STATE) and 2023 SCMR 2122 (NOMAN KHALIQ v. The STATE), wherein it has consistently been held that offences under section 489-F, P.P.C. ordinarily call for further inquiry within the meaning of section 497(2), Cr.P.C., particularly when the dispute arises out of financial or business transactions and the question of liability requires deeper appreciation of evidence at trial. In these circumstances, the case of the applicant squarely falls within the ambit of further inquiry, entitling him to the concession of bail.
- (k) The applicant is in custody, the investigation has been completed and the challan has been submitted;

therefore, his further incarceration would serve no useful purpose.

- (l) No material has been brought on record to show that the applicant is a previous convict, habitual offender, or that he would abscond or tamper with prosecution evidence if released on bail.
- (m) The overall circumstances of the case, including lack of supporting evidence, inconsistencies in the prosecution story and delay in FIR, make the matter one of further inquiry within the meaning of Section 497(2) Cr.P.C.

5. In view of the above observations, I am of the considered opinion that the applicant has made out a case for grant of bail. Consequently, the applicant is admitted to post-arrest bail subject to furnishing solvent surety in the sum of Rs.500,000/- (Rupees five hundred thousand) and PR bond in the like amount to the satisfaction of the learned Additional Registrar of this Court.

6. These are the reasons for my short order dated 18.03.2026 whereby the applicant was granted bail.

7. It is clarified that the observations made hereinabove are tentative in nature and shall not influence the trial Court in deciding the case on merits. In case of misuse of concession of bail, the trial Court shall be at liberty to proceed in accordance with law, including cancellation of bail.

8. Criminal bail application stands **allowed**.

JUDGE

Approved for reporting

Abdullah Channa/PS*