

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

Cr. Bail Application No.S-136 of 2025.

DATE	ORDER WITH SIGNATURE OF JUDGE
	1. For orders on office objection(s).
	2. For hearing of main case.

24.06.2025.

Mr. Babar Hussain Arain, Advocate for applicant/accused.

Mr. Saeed Ahmed Mirjat, Advocate for complainant.

Mr. Irfan Ali Talpur, Deputy Prosecutor General for the State.

**ORDER**

Amjad Ali Sahito, J:- Through the instant Bail Application, applicant/accused namely Waqar Talha s/o Qasim Ali Rajput is seeking pre-arrest bail in crime No.21/2025 registered at Police Station A-Section Shaheed Benazirabad, for the offence under Section 489-F PPC. Earlier his pre-arrest bail plea was declined by the learned Additional Sessions Judge-IV, Shaheed Benazirabad vide order dated 30.01.2025 and his interim relief was recalled.

2. The details and particulars of the FIR are already available in the bail application and FIR, the same could be gathered from the copy of the FIR attached with such application, hence, needs not to reproduce the same hereunder.

3. The learned Counsel for the applicant/accused argued that the applicant/accused is innocent and he has falsely been implicated in this case. He has further contended that the FIR is delayed for about one and half month for which no plausible explanation is available; that prior to this, the applicant/accused had filed F.C Suit No.248 of 2024 before the Court of learned 2<sup>nd</sup> Senior Civil Judge, Shaheed Benazirabad for subject matter. He further submits that the applicant/accused had also preferred an application U/s 22A&B Cr.P.C; that the applicant/accused issued a cheque

for security purpose otherwise there is no outstanding amount against the present applicant/accused. He lastly prayed for confirmation of bail to the applicant.

4. On the other hand, learned Counsel for the complainant vehemently opposed for confirmation of bail to the present applicant/accused and argued that present applicant/accused dishonestly issued a cheque from his account, which has been dishonored. He prayed for dismissal of bail plea of applicant/accused.

5. On his turn, learned D.P.G for the State also opposed for confirmation of bail to the present applicant/accused and states that it is admitted that present applicant/accused had issued a cheque from his account, therefore, the applicant/accused is not entitled for concession of bail. He prayed for dismissal of bail as well as recall of the interim pre arrest order already granted to applicant/accused.

6. Arguments heard. Record perused.

7. From perusal of record it reflects that the name of the present applicant/accused is appearing in the FIR and it has also emerged that there is a property dispute between the parties, and in relation to this dispute, the applicant/accused had issued a cheque of Rupees 10 lac, which was dishonored upon presentation. The ingredients of Section 489-F of the PPC are clearly applicable in this case. Furthermore, the applicant/accused knew that there was no amount in his account, but even then he had issued cheque which means the applicant/accused committed cheating and fraud. Besides that the issuance of cheque as well as signature on it is not denied by the applicant/accused. It is the well-settled principle of law that at the bail stage only a tentative assessment is to be made. Sufficient material is available on the record which connects the present applicant/accused with the commission of alleged offence.

8. In view of the above facts and circumstances, the applicant/accused has failed to make out the case for further inquiry as envisaged in subsection 2 of section 497 Cr.P.C. Consequently, instant Criminal Bail Application is **dismissed** and the interim pre-arrest bail granted earlier to

the applicant/accused by this Court vide order dated 10.02.2025 is hereby **recalled.**

9. Needless to mention here that the observations made hereinabove are tentative in nature and would not influence the learned trial Court while deciding the case of the applicant on merits.

JUDGE

Ali.