

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

Crl. Bail Application No.S-210 of 2025

Applicant: Syed Zahid Hussain Shah S/o Syed Husain Bux
Shah,
Through Mr. Mir Sarfaraz Ali Talpur, Advocate.

Respondent: The State.
Through Mr. Neel Parkash, D.P.G.

Date of hearing:08.08.2025

Date of order: 08.08.2025

O R D E R

Amjad Ali Sahito, J: Through this Bail Application, the applicant/accused seeks pre-arrest bail in Crime No.22/2025 for offence under section 489-F P.P.C registered at Sanghar, after his bail plea has been declined by the learned Additional Sessions Judge-I, Sanghar vide order dated 30.06.2025.

2. The details and particulars of the F.I.R are already available in bail application and the F.I.R, as such, need not to reproduce the same hereunder.

3. Per learned counsel, the applicant/accused is innocent and has been falsely implicated in this case at the behest of the complainant's brother, with whom the applicant previously had business relations and as per the complainant's own version, an order dated 31.01.2025 was obtained from the learned Additional Sessions Judge, Sanghar. The applicant and the complainant's brother namely Syed Ali Raza Shah were partners in a business venture which suffered huge losses and was subsequently wound up and cheques and other documents of the applicant were in the possession of complainant's brother. He further submits that as per agreements dated 13-05-2025 and 15-05-2025, all accounts between the parties were duly settled, and the sister-in-law of the applicant sold her agricultural land to the complainant and his brother in full satisfaction of any outstanding amount. Lastly, he prayed for confirmation of the bail.

4. On the other hand, learned D.P.G has vehemently opposed for grant of bail to the applicant/accused.

5. Heard and perused.

6. The case of the complainant is that he is landlord and his relative namely Syed Zahid Hussain Shah obtained an amount of Rs.40,00,000/- in present of witnesses namely Mir Muhammad and Pervez for business purposes and in lieu of the said amount, the applicant/accused issued cross cheque No.0000003 of account No.PK55HABB0000927901156203 dated 01.12.2024 of HBL Branch, Sanghar. The complainant deposited the said cheque in his account at UBL Bank, Sanghar Branch, but it was returned unpaid by HBL Bank and Alfalah Bank with the memo "insufficient funds." It is, therefore, contended that the ingredients of Section 489-F, Pakistan Penal Code, 1860, are fully attracted to the present matter.

7. It is further alleged that the applicant/accused, having knowledge that his accounts held insufficient funds, nevertheless issued the aforementioned cheques, thereby demonstrating his lack of intention to repay the amounts and committing acts amounting to cheating and fraud upon the complainant.

8. The applicant/accused has not disputed the issuance of the cheques nor denied his signatures thereon. Furthermore, when approached by the complainant for repayment, the applicant/accused avoided repayment and continued to mislead the complainant with false assurances. It is also alleged that the transactions occurred in the presence of the above-named witnesses, and that the cheques were issued in their presence. The statements of the complainant are corroborated by the witnesses cited in the FIR.

9. At this bail stage, only a tentative assessment is to be made for the grant of bail. Sufficient material is available to connect the applicant/accused with the commission of offence under Section 489-F P.P.C, and no mala fide or ill-will has been attributed to the complainant by the applicant. In this regard, I am fortified with the case law of Hon'ble Supreme Court of Pakistan [2019 SCMR

1129 wherein the Hon'ble Supreme Court of Pakistan has held as under:

"Grant of pre-arrest bail is an extra ordinary remedy in criminal jurisdiction; it is diversion of usual course of law, arrest in cognizable cases; a protection to the innocent being hounded on trump up charges through abuse of process of law, therefore a petitioner seeking judicial protection is required to reasonably demonstrate that intended arrest is calculated to humiliate him with taints of mala fide; it is not a substitute for post arrest bail in every run of the mill criminal case as it seriously hampers the course of investigation..... the principles of judicial protection are being faithfully adhered to till date, therefore, grant of pre-arrest bail essentially requires considerations of malafide, ulterior motive or abuse of process of law."

10. Learned counsel for the applicant/accused has failed to make out the case for grant of bail. Accordingly, the bail application filed on behalf of the applicant/accused stands **dismissed**. The interim bail granted to the applicant/accused vide order dated **05.08.2025** is hereby **recalled**.

11. The observations made in this decision are of a tentative nature and will not influence the merits of the case.

JUDGE

Faisal