

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

Crl. Bail Application No.S-225 of 2025

Applicant: Umar son of Khair Muhammad,
Through Mr. Javed S. Kunbhar, Advocate called
absent.

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

Complainant: Teekam Puri Goswami son of Harihar Puri,
Through Mr. Bhooro Bheel, Advocate called
absent.

Date of hearing: 30.09.2025

Date of order: 30.09.2025

O R D E R

Amjad Ali Sahito, J: Through this Bail Application, the applicant/accused seeks pre-arrest bail in Crime No.66/2025 for offence under section 489-F P.P.C registered at PS Umerkot City, after his bail plea has been declined by the learned Sessions Judge, Umerkot vide order dated 13.08.2025.

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. Today, applicant/ accused and his counsel are absent without intimation. Same was the position on last date of hearing, therefore, this Court proceeded to decide the matter on the basis of available record and in accordance with law. It may also be noted that the interim pre-arrest bail earlier granted to the applicant/accused was already recalled vide order dated 23.09.2025.

4. 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 the applicant/accused had earlier issued certain cheques in respect of a house/plot

transaction, which, upon presentation, were dishonoured, resulting in the registration of FIR No.217/2023. Thereafter, the parties entered into a compromise before the learned trial Court, pursuant to which the applicant/accused issued two fresh cheques, namely Cheque No.10385496 dated 01.04.2024 in the sum of Rs.6,00,000/- and Cheque No.10385497 dated 05.07.2024 in the sum of Rs.12,00,000/-, both drawn on Bank Al-Habib, in the presence of witnesses. Upon presentation, the said cheques were dishonoured and returned unpaid with the remarks "insufficient funds." Hence, the essential ingredients of Section 489-F, Pakistan Penal Code, 1860, stand fully attracted in the present case.

7. Further, the applicant/accused, despite having knowledge of insufficient funds in his account, willfully issued the aforementioned cheques, thereby evidencing his dishonest intention not to discharge the liability and committing acts amounting to cheating and fraud upon the complainant. Moreover, the applicant/accused has neither disputed the issuance of the cheques nor denied his signatures thereon. It is further alleged that when the complainant approached him for repayment, the applicant/accused deliberately kept the complainant under false assurances. The transaction, as alleged, took place in the presence of the above-named witness, in whose presence the cheques were also issued.

8. 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."

9. Accordingly, the bail application filed on behalf of the applicant/accused stands **dismissed**.

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

JUDGE

Faisal