

IN THE HIGH COURT OF SINDH, CIRCUIT COURT, MIRPURKHAS

Crl. Bail Application No.S-351 of 2025

Applicants: 1. Ameer Hamza S/o Gul Muhammad,
2. Raheem Gul S/o Ali Murad,
Through Mr. Nusrat Mehmood Gill, Advocate.

Respondent: The State.
Through Mr. Ghulam Abbas Dalwani, D.P.G.

Complainant: Niaz Ali S/o Sawai,
In person.

Crl. Bail Application No.S-365 of 2025

Applicant: Heman Das S/o Palio Mal,
Through Mr. Mir Mal Oad, Advocate.

Respondent: The State.
Through Mr. Ghulam Abbas Dalwani, D.P.G.

Complainant: Niaz Ali S/o Sawai,
In person.

Date of Hearing: 23.12.2025

Date of Order: 23.12.2025

ORDER

Shamsuddin Abbasi, J: Applicants Ameer Hamza and Raheem Gul seek post arrest bail in Bail Application No.S-351/2025 and applicant Heman Das seeks post arrest bail in Bail Application No.S-365/2025 arising out of Cr. No.347/2025 for offence punishable under sections 6 of Sindh Prohibition Interest on Private Loan Act, 2023, 420, 406, 506(ii), 34 and 467 P.P.C (added in final challan) of P.S Shahdadpur, after dismissal of their bail plea by the learned Additional Sessions Judge, Shahdadpur, vide order dated 19.11.2025.

2. It is alleged in the F.I.R that the complainant Niaz Ali entered into financial dealings and car sale agreement with the applicants and in pursuance thereof, he paid advance of Rs.100,000/- and issued cheques

as security for remaining amount. It is further alleged that despite receipt of the said amount, the applicants failed to deliver the agreed vehicle and extended false assurances. It is further alleged that upon demand for return of the paid amount and security cheques, the applicants made unlawful monetary demands and threatened the complainant with dire consequences; hence, this F.I.R.

3. Learned counsel for the applicants submits that the applicants are innocent and falsely implicated in this case by the complainant; that complainant has approached to learned Ex-Officio Justice of Peace, Shahdadpur for protection whereby learned Ex-Officio Justice of Peace, Shahdadpur issued direction for registration of the FIR against the applicants; that alleged offence does not come within the ambit of prohibitory clause of section 497 Cr.P.C; that there is business dispute between the parties which requires proper adjudication through evidence, hence their case calls for further enquiry in terms of Section 497(ii) Cr.P.C. Learned counsel for the applicants has pointed out that initially the F.I.R was registered under section 6 of Sindh Prohibition Interest on Private Loan Act, 2023 r/w section 420, 406, 506(ii) and 34 P.P.C but the I.O has malafidely inserted Section 467 P.P.C in order to make out the case as heinous one, otherwise offence does not come within the ambit of prohibitory clause of section 497 Cr.P.C.

4. On the other hand, learned D.P.G for the State assisted by complainant has opposed for grant of bail on the ground that they have committed the alleged offence, therefore, they are not entitled for grant of bail.

5. Heard learned counsel for the applicants, learned D.P.G for the State, complainant in person and perused the record.

6. From the tentative assessment of material available on record, it appears that there is money transaction between the parties which requires proper adjudication through evidence, therefore, their case calls for further enquiry in terms of Section 497(ii) Cr.P.C. Case has been challaned and applicants are no more required for further investigation and no purpose would be served out to keep them in the jail.

7. In view of the above, the applicants are admitted on post arrest bail subject to furnishing solvent surety in the sum of Rs.200,000/- (Rupees Two Lacs only) each and a P.R Bond in the like amount to the satisfaction of learned trial court.

8. The observations made here-in-above are tentative in nature and would not prejudice the case of either party at the trial.

The application stands disposed of.

JUDGE

Faisal