

# IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR

Cr. Bail Appln. No. S-934 of 2025

Applicant : Ghulam Abbas s/o Dost Muhammad, Bhatti  
Through Mr. Saleem Ahmed Maitlo, Advocate

Complainant : Rasheed Ali @ Abdul Rasheed s/o Gul Muhammad  
Through Mr. Asif Ali Jatoi, Advocate

The State : Through Mr. Muhammad Raza Katohar, DPG

Dated of Hearing : 23.02.2026  
Dated of order : 23.02.2026  
Reasons recorded on : 24.02.2026

## ORDER

**KHALID HUSSAIN SHAHANI, J.**— The applicant, Ghulam Abbas, seeks the extraordinary concession of pre-arrest bail in Crime No.277/2025, for an offence under Section 489-F, Pakistan Penal Code 1860, registered at Police Station B-Section, Khairpur, his earlier request having been declined by the learned Additional Sessions Judge-III, Khairpur, vide order dated 25.09.2025.

2. The genesis of the prosecution's case is founded upon an FIR lodged on 28.07.2025 by the complainant, Rasheed Ali alias Abdul Rasheed, asserting that he and the applicant were engaged in the grain trade. According to the complainant, a financial liability amounting to Rs.1,100,000/- accrued against the applicant, who allegedly issued a post-dated cheque in discharge thereof, which upon presentation was dishonored by the concerned bank.

3. Learned counsel for the applicant has assailed the prosecution narrative on multifarious grounds. It is contended that the disputed cheque was never intended to be a negotiable instrument in satisfaction of any subsisting debt but rather issued by way of security. It is further urged that the applicant subsequently liquidated the entire outstanding amount,

together with interest, by remitting Rs.1,800,000/- through another cheque. Counsel also apprised the Court that parallel civil proceedings are pending between the parties, the complainant having instituted Civil Suit No. 80/2025 for recovery before the learned Additional District Judge-III, Khairpur, while the applicant has filed Suit No.120/2025 before the learned Senior Civil Judge, Gambat, seeking cancellation of the impugned cheque and permanent injunction. He next emphasized the unexplained delay exceeding three months in the lodging of the FIR, which *ex facie* denudes the prosecution case of spontaneity and lends credence to the allegation of afterthought and consultation. Finally, learned counsel has underscored that the offence alleged, being punishable with imprisonment extending to three years, falls outside the restrictive ambit of the prohibitory clause encapsulated in Section 497(1) Cr.P.C, wherefore, the rule of bail rather than incarceration ought to prevail, subject of course to the settled exceptions.

4. The learned Deputy Prosecutor General, assisted by Mr. Jatoi, counsel for complainant contrarily, opposed the confirmation of interim bail, contending that the dishonored cheque manifests the applicant's malafide intention and culpable *mens rea*, evidencing a deliberate failure to discharge a lawful pecuniary obligation.

5. The record demonstrates that the FIR was indeed instituted after an inordinate and unexplained delay exceeding three months, a circumstance which *prima facie* suggests deliberation and calculated initiation of criminal action. Moreover, the admitted business relationship between the parties and the existence of multiple civil litigations concurrently pending before competent fora elucidate the civil complexion of the dispute. It is manifest that the machinery of criminal

law appears to have been invoked as a collateral device for exerting pressure in a matter essentially arising out of commercial transactions. Furthermore, as the alleged offence does not attract the rigor of the prohibitory clause under Section 497(1) Cr.P.C., the rule consistently enunciated in *Muhammad Tanveer v. The State* (PLD 2017 SC 733) and *Muhammad Shakeel v. The State* (2020 SCMR 955) holds that bail is to be granted as a matter of course unless exceptional circumstances dictate otherwise.

6. The challan has been submitted before the competent trial court, thereby extinguishing any investigative necessity for custodial interrogation. Significantly, there is no allegation of misuse of the concession of interim pre-arrest bail extended to the applicant on 30.09.2025. In such circumstances, continued deprivation of liberty would neither serve the ends of justice nor comport with settled jurisprudential standards governing bail discretion.

7. In view of the foregoing analysis, the case at hand presents sufficient grounds warranting further inquiry within the contemplation of Section 497(2) Cr.P.C. Consequently, the interim pre-arrest bail granted to the applicant vide order dated 30.09.2025 stands confirmed on the same terms and conditions through the short order announced on 23.02.2026. It is, however, clarified that the observations made herein are tentative and confined to the disposal of this bail petition, leaving the parties at liberty to agitate their respective claims before the trial court at the appropriate stage. These are the detailed reasons thereof.

**J U D G E**