

HIGH COURT OF SINDH CIRCUIT COURT MIRPURKHAS

Criminal Bail Application No.S-287 of 2025

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Applicant: Dadan S/o Bhamro Bheel,
Through Mr. Farhan Ahmed Bozdar,
Advocate.

Respondent: The State
Through Mr. Dhani Bakhsh Mari, A.P.G.

Complainant: Faisal S/o Karim Bux,
In person.

Date of Hearing: 06.01.2026

Date of Order: 06.01.2026

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O R D E R

Muhammad Hasan (Akber), J-: Applicant Dadan seeks post-arrest bail in Crime No.101 of 2025 for offence under Sections 489-F and 420 P.P.C, registered at Police Station Satellite Town, after dismissal of his bail plea by the learned Additional Sessions Judge-II, Mirpurkhas, vide order dated 14.10.2025.

2. It is alleged in the F.I.R that the applicant issued a cheque amounting to Rs.5,000,000/- to the complainant in respect of an alleged business transaction, which upon presentation was dishonoured on the ground that the account was dormant, hence this F.I.R.

3. Learned counsel for the applicant submits that the applicant is innocent and falsely implicated in this case; that the FIR has been lodged after unexplained delay of 15 days; that the complainant has failed to produce any independent or documentary proof regarding the alleged cattle business and source of funds; that the offence does not fall within the prohibitory clause of Section 497 Cr.P.C. Lastly, he prayed for grant of bail.

4. Conversely, learned A.P.G has vehemently opposed for grant of bail to the applicant/accused. Complainant has also opposed for grant of bail.

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

6. From tentative assessment of material available on record, it appears that there is 15 days delay in lodgment of the F.I.R without any plausible explanation. Further the alleged transaction involves disputed questions of fact relating to the alleged cattle business and partnership, which require deeper appreciation of evidence and the same is not permissible at bail stage. The complainant was unable to produce the agreement or other documentary material, including purchase receipts, proof of alleged partnership or source of funds. The applicant is in custody since past four months, the investigation in the present case has been completed and he is no longer required by the police for further investigation. The maximum punishment provided under Section 489-F P.P.C is three years, therefore, the case does not fall within the prohibitory clause of Section 497 Cr.P.C, hence grant of bail is the rule and refusal is an exception, as held by the Hon'ble Supreme Court of Pakistan in *Riaz Jafar Natiq v. The State (2011 SCMR 1708)*. Sufficient grounds are available which make out a case of applicant for further enquiry in terms of Section 497(2) Cr.P.C.

7. In view of the above, the applicant is admitted to post arrest bail subject to furnishing solvent surety in the sum of Rs.50,000/- and a P.R Bond in the like amount to the satisfaction of learned trial court. 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