

IN THE HIGH COURT OF SINDH, CIRCUIT COURT, MIRPURKHAS

Cr. Bail Application No. S-88 of 2026

Applicant: Abdul Mateen S/o Rozulldin,
Through Mr. Zaffar Hayat, Advocate.

Complainant: Mushtaque Ali S/o Muhammad Essa,
Through Mr. Abdul Shakoor Keerio, Advocate.

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

Date of Hearing: 27.07.2026

Date of Order: 27.07.2026

ORDER

Khalid Hussain Shahani, J.- Applicant Abdul Mateen pre-arrest bail in a case bearing Crime No.11 of 2026, for offence under Sections 3, 4, 5 of the Sindh Prohibition of Interest on Private Loan Act, 2023 read with Section 34 P.P.C. at Police Station Shahpur Chakar, relief earlier declined by the learned Additional Sessions Judge-II, Sanghar, vide order dated 03.03.2026.

2. The F.I.R. alleges that in 2019 the complainant purchased a vehicle bearing Registration No.AWH-237 from the applicant for Rs.11,00,000/-, of which Rs.4,00,000/- was paid in cash, the balance Rs.7,00,000/- deferred against ten cheques furnished as security. Though the entire sum, together with purported interest, was allegedly received, the applicant is said to have withheld the cheques and demanded a further Rs.10,80,000/- as interest, harassing the complainant until the present F.I.R. materialized pursuant to an order under Section 22-A, Cr.P.C.

3. Learned counsel for the applicant contended that the F.I.R. is an artifice of malafide, lodged after an inexplicable seven-year delay from the 2019 transaction; that the dispute is, in substance, a civil controversy arising from a sale, unaccompanied by any written instrument evidencing a private loan or interest; and that the Investigating Officer has unearthed no material to

substantiate such a loan. He further urged that the applicant, having honored the concession of interim pre-arrest bail without transgression, merits its confirmation.

4. Per contra, the learned D.P.G., fortified by the submissions of learned counsel for the complainant, resisted the applicant's prayer with equal vigor.

5. I have afforded audience to learned counsel for the contesting parties at considerable length and have subjected the record to an anxious and meticulous scrutiny.

6. The transaction is traced to 2019; the F.I.R. surfaced only in 2026, and that too upon an order procured under Section 22-A, Cr.P.C. Such inordinate lapse of seven years in setting the criminal law into motion is not a matter this Court can resolve at the threshold, it must abide the crucible of trial. Nor is it disputed that no written instrument evidences the alleged private loan or the levy of interest, and that the Investigating Officer, despite due investigation, has unearthed nothing to substantiate the charge. Confronted directly on this score, learned counsel for the complainant candidly conceded the absence of any documentary foundation. What survives, then, is oral assertion unfortified by writing, insufficient, at this stage, to sustain the rigor of custodial process. Whether the dealing between the parties was a loan cloaked in interest or a sale simpliciter is a question reserved for evidence, not conjecture. What is prima facie discernible is merely the existence of a monetary transaction, its true character yet undetermined. The investigation stands concluded with the challan already before the trial Court, hence the applicant is not required for further investigation. On this conspectus, I am tentatively persuaded that the applicant's case falls within the contemplation of "further inquiry" under Section 497(2), Cr.P.C.

7. Accordingly, for the reasons aforestated, the instant bail application is allowed, and the interim pre-arrest bail granted vide order dated 06.03.2026 stands confirmed on the same terms and conditions.

8. It is expressly clarified that the observations herein are of a tentative character alone and shall not be read as an expression of opinion on the merits, so as to prejudice either party at trial.

9. Disposed of accordingly.

JUDGE

Faisal