

HIGH COURT OF SINDH CIRCUIT COURT MIRPURKHAS

Criminal Bail Application No.S-474 of 2026

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Applicant By: Mr. Kamran Bhatti, Advocate.
State By: Mr. Neel Parkash, D.P.G Sindh.
Date of Hearing: 22.09.2026
Date of Order: 22.09.2026

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ORDER

Muhammad Humayon Khan, J.:- The Applicant, Muhammad Munir, has been nominated in Crime No.152 of 2025 registered at Police Station Satellite Town under Sections 489-F, 420, 406, 506(i) and 34 of the Pakistan Penal Code. His post-arrest bail application before the learned Additional Sessions Judge-II, Mirpurkhas, was dismissed vide order dated 30.07.2026 and he has, therefore, approached this Court for the same relief.

2. The prosecution case, briefly stated, is that the complainant was approached by the accused, Muhammad Shahid and Muhammad Muneer, who were his friends and engaged in the garments business. The accused allegedly persuaded the complainant to invest in their business on the promise of substantial profits. Consequently, on 24.06.2025, the complainant entered into a written agreement with the accused and paid them Rs.2,03,06,000/- in cash in the presence of witnesses, namely, Sijawal and Usama. In discharge of their alleged liability, the accused issued two cheques: one for Rs.1,20,00,000/- drawn on Punjab Bank by Muhammad Shahid and the other for Rs.10,00,000/- drawn on United Bank Limited by Muhammad Muneer. However, upon presentation, both cheques were dishonoured due to insufficient funds. When the complainant informed the accused of the dishonour, they allegedly continued to give him false assurances and subsequently threatened him. Consequently, the complainant lodged the FIR.

3. Mr. Kamran Bhatti, learned counsel for the Applicant, contended that the FIR was lodged with a delay of seven days; that the Applicant has been falsely implicated in a dispute arising out of a business

transaction, which is essentially civil in nature; and that the prosecution case calls for further inquiry within the meaning of Section 497(2), Cr.P.C. He further submitted that the alleged offences do not fall within the prohibitory clause of Section 497(1), Cr.P.C. He, therefore, prayed for the grant of post-arrest bail.

4. Mr. Afzal Karim Virk advocate holds brief for Mr. Rashid Ali Shah, advocate for complainant and states that latter is unwell. Learned Deputy Prosecutor General Sindh, opposed the grant of bail and supported the prosecution case.

5. After hearing learned counsel for the applicant, learned counsel for the complainant and learned Deputy Prosecutor General for the State, and going through the record, I am inclined to grant bail for the following reasons:

- i. The allegations against the Applicant arise out of a business transaction relating to investment in garments. The complainant claims to have invested Rs.2,03,06,000/- with the accused, whereas the cheque specifically attributed to the present Applicant is for Rs.10,00,000/-. The nature of the transaction, the extent of the Applicant's individual liability and the circumstances in which the cheque was allegedly issued are matters requiring examination during trial.
- ii. The offence under Section 489-F, PPC, is punishable with imprisonment extending to three years. The other offences alleged against the Applicant also do not attract the prohibitory clause of Section 497(1) Cr.P.C. It is well settled that in offences falling outside the prohibitory clause, grant of bail is the rule and refusal is an exception, unless exceptional circumstances exist. Reference may be made to *Muhammad Tanveer v. The State and another* (PLD 2017 SC 733).
- iii. The mere dishonour of a cheque does not, by itself, conclusively establish dishonest intention at the time of its issuance. Whether the cheque was issued dishonestly towards repayment of a loan or fulfilment of an obligation is a matter to be determined through evidence at trial. The existence and extent of the alleged liability, particularly in the context of the underlying business transaction, also require examination.
- iv. The learned Courts below have referred to the Applicant's earlier plea regarding settlement of the dispute and repayment of the amount, whereas the Applicant has disputed the existence of any outstanding liability. The effect

of the earlier plea and the question whether any amount remains payable are matters requiring appreciation of documentary and oral evidence during trial and cannot be conclusively determined at this stage.

- v. The FIR was lodged with a delay of seven days. Although delay alone is not sufficient for the grant of bail, it is a circumstance to be considered along with the other material available on record. Its explanation and effect upon the prosecution case shall be examined by the learned Trial Court.
- vi. In view of the foregoing circumstances, particularly the nature of the underlying business transaction, the disputed liability and the fact that the alleged offences fall outside the prohibitory clause of Section 497(1), Cr.P.C and the case calls for further inquiry within the meaning of Section 497(2), Cr.P.C.

6. For these reasons, the instant bail application is allowed and the Applicant is admitted to post-arrest bail subject to furnishing solvent surety in the sum of Rs.100,000/- (Rupees One Lac only) and P.R Bond in the like amount to the satisfaction of the learned Trial Court.

7. It is clarified that the observations made above are tentative in nature and shall not prejudice the case of either party at the trial. The learned Trial Court shall decide the case independently on the basis of the evidence brought before it.

JUDGE

Faisal