

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR.
Crl. Bail Application No.S-1118 of 2025.

DATE OF HEARING	ORDER WITH SIGNATURE OF JUDGE
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Applicant: Inayat Ali S/O Soubo Khan Magsi
Through Mr.Alam Sher Bozdar, Advocate.

The State: Through **Mr. Muhammad Raza Katohar, D.PG.**

Complainant: Malhar S/O Wahid Bux Mahar, **Through**
Mr.Muhammad Farooque Ali Jatoi, Advocate.

Date of hearing & order: **23.09.2026.**

Suresh Kumar J:- Through instant bail application applicant/accused Inayat Ali Magsi seeks his pre arrest bail in Crime No.54 /2023 for an Offence Punishable U/S 489-F PPC registered at Police station A-Section Ghotki.

2. The facts of the prosecution, as depicted in the FIR, are that on 10.02.2023, the complainant, Malhar Mahr, lodged an FIR stating that a cheque issued by the applicant/accused, amounting to Rs. 15,00,000/- (Fifteen lakhs), was dishonoured. Consequently, the complainant lodged the FIR as per the directions issued by the Additional Sessions Judge-II, Ghotki.

3. The applicant initially approached before the Court of Sessions Judge, Ghotki, for grant of pre-arrest bail which was dismissed vide order dated 22.01.2025, by learned Sessions Judge, Ghotki. Being aggrieved by this dismissal order, the applicant has approached this Court.

4. I have heard learned counsel for applicant, Learned counsel for complainant and learned D.P.G Sindh. Learned D.P.G and learned counsel for complainant have strongly opposed the confirmation interim pre arrest bail to the applicant/accused. The learned counsel for complainant has relied upon the case of Muhammad Ashraf v. The State and another **(2021 P.Cr.L.J 586)** and case of Riaz Jaffar Natiq v. The state and another **(2012 MLD 232),**

5. Having given due consideration to the arguments advanced by the parties' counsel and perusing the record, it reveals that there is an inordinate delay of 28 days in lodging the FIR. Furthermore, the order for the registration of the FIR was passed on 18.01.2023, but the complainant appeared before the SHO of PS A-section Ghotki on 10.02.2023, for which no plausible explanation has been furnished. Therefore, consultation and due deliberation cannot be ruled out. Moreover, the applicant issued the cheque against the purchase of land, which was fraudulently taken by the applicant, an employee of the Zarai-Tariqiyati Bank, Ghotki. The learned counsel for the applicant has contended that the cheque was issued as security for the purchase of landed property. This indicates that there is a claim against a counterclaim, which is to be determined at the time of trial. Therefore, the case against the applicant/accused falls within the definition of further inquiry. Additionally, the alleged offences of dishonouring a cheque and issuing a bogus cheque are punishable under Section 489-F PPC and Section 506/2 PPC, which carry a maximum punishment of up to seven years and do not fall within the prohibitory clause of Section 497(1) Cr.P.C. In the similar circumstances Honorable Supreme Court of Pakistan in the case of Abdul Rasheed v. The State and another (**2023 SCMR 1948**) has held as under:

“---Ss. 497(2) & 498--- Penal Code (XLV of 1860), S. 489-F---Constitution of Pakistan, Art. 185(3)---Dishonestly issuing a cheque---Pre-arrest bail, grant of---Further inquiry---Cheques given as surety---Petitioner (accused) has placed on record a copy of the suit for rendition of accounts filed by him against the complainant before the Civil Court---Perusal of the same shows that the parties were probably running a business and the cheques were given as a surety and the same were not meant for encashment---Cheques in question are of the year 2019 and according to the crime report the same were dishonoured in the year 2019---If that was so, it was not understandable as to why the complainant kept quiet for three years and did not lodge the FIR on time, which prima facie supports the stance taken by the petitioner---Even otherwise, even if the complainant wants to recover his money, section 489-F of P.P.C. is not a provision which is intended by the Legislature to be used for recovery of an alleged amount---Question whether the cheques were issued towards repayment of loan or fulfillment of an obligation within the meaning of section 489-F, P.P.C. is a question, which would be resolved by the Trial Court after recording of evidence---Maximum punishment provided under the statute for the offence under section 489-F, P.P.C. is three years and the same does not fall within the prohibitory clause of section 497, Cr.P.C.---All the material is in

documentary shape; the investigation is complete and the petitioner is no more required for further investigation---Petition for leave to appeal was converted into appeal and allowed, and ad interim pre-arrest bail granted to petitioner was confirmed”.

6. Similar view has been taken by the Honorable Supreme Court of Pakistan in the case of in case of **Allah Ditta v. The State (2013 SCMR 51)** and this Court in the case of Rashid Ali Vs. The state **(2020 P,Cr. L J Note-91)**.

7. Moreover, the challan against the applicant/accused has been submitted before the trial court, where the applicant/accused has been appearing and has not misused the concession of interim pre-arrest bail granted by this Court. Even otherwise, there is a counterclaim regarding the cheque; therefore, mala fide intention on the part of the complainant cannot be ruled out under the circumstances.

8. With due respect and regard to the case law cited by learned counsel appearing on behalf of complainant, but the facts and circumstances are quite distinguishable, therefore the same are not applicable to this case.

9. For the foregoing reasons and the guidance taken from the above case law, I am of the considered view that the applicant/accused has made out a case for the confirmation of interim pre-arrest bail. Therefore, the interim pre-arrest bail previously granted to the applicant/accused on 21.11.2025 is confirmed on the same terms and conditions, with a direction to appear before the trial court.

10. Needless to say that the above observations are tentative in nature and will not prejudice the case of either party at the time of trial.

JUDGE

