

HIGH COURT OF SINDH, CIRCUIT HYDERABAD

Crl. Bail Application No. S-817 of 2026

Applicant: Najamuddin son of Muhammad Bux
Through Mr.Zahid Hussain Laghari, Advocate

Complainant: Mst.Asi wd/o Late Jamal

The State: Through Mr.Khalid Hussain Lakho, D.P.G.

Date of Hearing: **09-10-2026**

Date of Order: **09-10-2026**

ORDER

ABDUL MOBEEN LAKHO-J, Through this Criminal Bail Application, applicant Najamuddin son of Muhammad Bux seeks pre-arrest bail in Crime No.56 of 2026, registered at Police Station Nindo, District Badin, for offences under Sections 489-B, 489-C, 420 and 34 PPC. His earlier pre-arrest bail application was dismissed by the learned 2nd Additional Sessions Judge, Badin, vide order dated 25.05.2026.

2. Briefly, the prosecution case is that complainant Mst. Asi, a widow running a small shop, requested the applicant and co-accused Nizamuddin to exchange a currency note of Rs.5,000/-. It is alleged that applicant Najamuddin handed over five currency notes of Rs.1,000/- each and thereafter left the place. Upon showing the said notes to her relatives, the complainant allegedly came to know that the notes were counterfeit. She confronted the applicant, who allegedly declined to return the amount. Thereafter, after approaching local notables and higher authorities, she lodged the present FIR alleging that the applicant and co-accused had passed fake currency notes to her.

3. Learned counsel for the applicant submitted that the applicant has been falsely implicated due to previous enmity. He argued that the FIR was lodged with unexplained delay of about nineteen days. He further submitted that the applicant is a prosecution witness in another criminal case against the complainant's brother, providing motive for his false

implication. He lastly contended that the matter pertains to a disputed currency transaction requiring further inquiry.

4. Learned D.P.G., assisted by learned counsel for the complainant, opposed the application and contended that the applicant is specifically nominated in the FIR with the direct allegation that he handed over five counterfeit currency notes to the complainant. He submitted that the allegations attract the provisions of Sections 489-B and 489-C PPC. He, therefore, prayed for dismissal of the application.

5. I have heard learned counsel for the parties and perused the material available on record.

6. Tentative assessment of the record reflects that the alleged occurrence took place on 27.04.2026, whereas the FIR came to be lodged on 15.05.2026 after an unexplained delay of about nineteen days. The complainant herself admitted in the FIR that after the alleged incident she first approached local notables for settlement of the dispute and thereafter moved applications before higher authorities. Such admitted conduct prima facie indicates sufficient time for deliberation and consultation before setting the criminal law into motion. Whether the delay has been satisfactorily explained or otherwise is a matter requiring evidence and deeper appreciation at trial.

7. It is true that the report of the State Bank of Pakistan is available on record, according to which the disputed currency notes were found to be forged. However, the question whether such notes were knowingly passed by the applicant to the complainant, as alleged by the prosecution, or whether the applicant has been falsely implicated on account of previous enmity, are matters which cannot be conclusively determined at this stage. The record further reveals that the applicant has specifically pleaded mala fide on the ground that he is cited as a witness in another criminal case against the complainant's brother. Although such plea is yet to be established, it nevertheless requires cautious consideration in view of the delayed registration of the FIR.

8. Keeping in view the considerable delay in lodging the FIR, the admitted attempts at compromise before registration of the case, the

background of previous hostility alleged by the applicant and the overall facts and circumstances of the matter, we are of the tentative view that the applicant has succeeded in making out a case for confirmation of interim pre-arrest bail.

9. Consequently, this Criminal Bail Application is **allowed** and the interim pre-arrest bail earlier granted to applicant Najamuddin vide order dated 23.06.2026, is hereby confirmed on the same terms and conditions.

10. The observations made hereinabove are tentative in nature and shall not influence the learned trial Court while deciding the case on merits.

JUDGE

AHSAN K. ABRO