

IN THE HIGH COURT OF SINDH, CIRCUIT COURT, MIRPURKHAS

Cr. Bail Application No.S-500 of 2026

Applicants: 1. Mst. Nazia Shah Wd/o late Faiz Muhammad
2. Syed Aftab Hussain Shah S/o Jurial Shah
Through Mr. Nawab Khan, advocate.

Respondent: The state through Mr. Neel Parkash, learned
D.P.G.

Date of Hearing: 12.10.2026

Date of Order: 12.10.2026

ORDER

Nisar Ahmed Bhanbhro, J: By means of the instant application, the applicants Mst. Nazia Shah Wd/o late Faiz Muhammad Shah & Syed Aftab Hussain Shah seek the extraordinary relief of pre-arrest bail in Crime No.262/2026, registered under Sections 489-F, 420, 34 PPC at Police Station Tando Adam city, consequent upon the dismissal of their bail plea by the learned Additional Sessions Judge-I, Tando Adam vide order dated 18.09.2026.

2. Learned counsel appearing for the applicants submitted that the applicants are wholly innocent and falsely implicated on account of mala fide intent and ulterior motive due to enmity over family affairs. He submitted that alleged cheque was not issued by the applicants and managed by the complainant. He contended that cheque was allegedly dishonored on 05.08.2026 and FIR was registered on 20.08.2026 with delay of about 15 days without any plausible explanation. He submitted that alleged offence does not fall within the prohibitory clause of section 497(i) Cr.P.C. On these premises, the grant of bail was prayed for.

3. Conversely, learned Deputy Prosecutor General contends that the essential ingredients of section 489-F and 420 PPC are, prima facie attracted. He submits that prosecution possessed the dishonoured cheque, the relevant bank memo and other supporting material which, according to him, connected the applicants with the commission of the alleged offence. He accordingly opposed the confirmation of bail.

5. Heard learned counsel for the applicants and learned D.P.G for the State and perused the record. The applicants are alleged to have issued a cheque for a consideration of Rs 20.5 Million, which per complainant were paid after selling gold ornaments. The bail application of the applicants was declined by the learned trial Court on the ground that the amount involved in the dishonoured cheque was huge and about Rs. 2,05,00,000/-. It appears to be quite unreasonable that the complainant party sold out gold ornaments and paid such huge amount to the applicants/accused in cash and in turn obtained cheque. The aspect of alleged consideration is yet to be determined before the learned trial Court, when evidence is recorded. The investigation is complete, alleged documents are already in possession of prosecution and issue of recovery of any incriminating material is not involved warranting custody of applicants. The alleged offence does not fall within the prohibitory clause of Section 497 Cr.P.C.

6. For the foregoing, the applicants/accused have made out a case for the grant of bail. Therefore, the instant bail application is allowed and the interim pre-arrest bail granted to the applicants vide

order dated 23.09.2026 is hereby confirmed, subject to the same terms and conditions.

7. It is clarified that the observations recorded hereinabove are tentative in nature and shall not be construed as an expression of opinion on the merits of the case, nor shall they prejudice either party at trial.

8. The instant Criminal Bail Application stands disposed of in the above terms.

JUDGE

“Chander Kumar”