

IN THE HIGH COURT OF SINDH, CIRCUIT COURT
HYDERABAD

Cr. Bail Application No.S-79 of 2026

Applicant : Muhammad Fayaz Solangi,
Through Mr. Ghulam Farooque
Solangi Advocate.

Complainant : Through Mr. Raza Ali Halepoto,
Advocate.

The State : Through Ms. Sana Memon,
Assistant Prosecutor General, Sindh

Date of hearing. : **14.10.2026.**
Date of Order : **14.10.2026.**

O R D E R

OMAR SIAL, J:- Muhammad Fayaz Solangi seeks pre-arrest bail in Crime No.380 of 2025, registered under sections 489-F P.P.C. at the A-Section Dadu District Dadu police station.

2- The prosecution story is that the complainant, a commission agent at New Sabzi Mandi, Dadu, engaged applicants Muhammad Nawaz and Muhammad Fayaz Solangi as managers, who accumulated an outstanding debt of Rs. 18,000,000/-. On 02.11.2025, a private settlement (faisala) was reached before the market president, Moula Bux Zaur, wherein the applicant and co-accused admitted liability and agreed to clear the debt through transfer of a Mehran car, a residential property, and eight post-dated cheques of Meezan Bank. However, upon presentation, the initial cheque of Rs. 2,000,000/- (Cheque No. D-41462393) was dishonored by the bank, and the applicants subsequently refused payment, leading to the registration of the present case.

3- I have heard the applicant's counsel and the learned Assistant Prosecutor General who was assisted by the learned counsel for the complainant.

4- Learned counsel for the complainant and the learned Assistant Prosecutor General, Sindh, both concede that there is no material on record to establish that the cheque in question was issued for the fulfillment of an obligation or satisfaction of a debt,

which is an essential ingredient for attracting Section 489-F PPC. The alleged offence carries a maximum punishment of three years imprisonment, which, though non-bailable, does not fall within the prohibitory clause of Section 497 Cr.P.C. Grant of bail in offences non-falling within the prohibitory clause is a rule and refusal an exception. Guided by the landmark judgment of the Hon'ble Supreme Court in Tariq Bashir and 5 others v. The State (PLD 1985 SC 34), I find no exceptional or extraordinary circumstances to deny the applicant the concession of pre-arrest bail. Furthermore, while the complainant asserts that his primary grievance is the recovery of money, he has not instituted any summary suit or civil remedy for such recovery. It appears that the criminal law has been set in motion merely as an arm-twisting tactic to coerce recovery rather than for legitimate prosecution.

5- In view of the above, the ad-interim pre-arrest bail granted to the applicant, Muhammad Fayaz Solangi, vide order dated 20.01.2026, is hereby confirmed on the same terms and conditions.

JUDGE

Ahmed/Pa,