IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR

Crl. Bail Application No. S- 801 of 2026

Applicant: Muhammad Kamran son of Muhammad Iqbal Memon**, through Mr. Hamayoun Sheikh, Advocate.**

Complainant: **through Syed Sardar Ali Shah**, Advocate.

State: **through Mr. Shafi Muhammad Mahar,** Deputy Prosecutor General, Sindh.

Date of hearing & Order: **29.10.2026**.

O R D E R.

Suresh Kumar, J.--- Applicant named above seeks confirmation of the ad-interim pre-arrest bail granted to him by this Court vide order dated 27.08.2026, in a case bearing crime No. 115/2023, offence u/s 489-F, 420, 406, 34 PPC registered at P.S 'A' Section Sukkur.

2. Brief facts of the case as depicted in the FIR are that applicant borrowed Rs. 60 lacs for business purpose and two cheques total amounting to Rs. 10 lacs while remaining amount of Rs. 50 lacs was promised to be paid, however, cheques issued by the applicant were dishonoured , therefore, complainant lodged FIR after getting direction from Ex-officio Justice of Peace.

3. I have heard the learned counsel appearing on behalf of the applicant/accused, the learned counsel for the complainant, and the learned Deputy Prosecutor General. The learned Deputy Prosecutor General and the counsel for the complainant have opposed the confirmation of pre-arrest bail. The learned counsel for the applicant has relied upon the cases of Imran Khan Brohi and another vs. The State (2025 MLD 607), Muhammad Saleem vs. The State (2023 P.Cr.L.J Note 52), and Shah Zain and 2 others vs. Jameelur Rehman and another (2021 P.Cr.L.J

1549), while the learned counsel for the complainant has relied upon the case of Muhammad Arshad vs. Muhammad Rafique and another (PLD 2009 Supreme Court 427) and Azher Pervez Bukhari vs. State and another (2024 SCMR 1719).

4. Having given due consideration to the arguments advanced by the counsel for the respective parties and having perused the relevant material, it is revealed from the perusal of the FIR that the applicant borrowed Rs. 60 lacs for business purposes and issued two cheques totaling Rs. 10 lacs, while the remaining amount of Rs. 50 lacs was promised to be paid. However, the cheques issued by the applicant were dishonored, prompting the complainant to lodge the FIR after obtaining direction from the Justice of Peace. The learned counsel for the applicant contended that the actual transaction was made with the applicant's brother and the complainant. From the available record, it is evident that the applicant/accused has not only issued two cheques that were dishonored, for which the present FIR was registered against him, but another cheque amounting to Rs. 50 lacs was also dishonored, leading to another FIR bearing crime No. 290/2023 at P.S. 'A' Section Sukkur, which is also set for bail today. No proof has been placed on record regarding a dispute between the applicant's brother and the complainant. On the contrary, the record also reveals that five other FIRs of a similar nature, bearing Crime Nos. 110/2023 of P.S. 'C' Section Sukkur, 123/2023 of P.S. 'C' Section Sukkur, 143/2023 of P.S. New Pind Sukkur, 15/2023 of P.S. Civil Lines Jacobabad, and 1333/2023 of P.S. Site Area Sukkur, have also been lodged against the applicant/accused. This indicates that the applicant is habitual of issuing cheques with dishonest intention. Moreover, the record reveals that the applicant/accused has remained an

absconder for about three years after the submission of the challan in the present case, for which no explanation has been furnished by him. It is settled law that an absconder loses certain normal rights granted by the procedure. No mala fide on the part of the complainant has been pointed out to suggest that he is falsely implicating the applicant, which is a prerequisite for the grant of pre-arrest bail. Reliance is placed on the case of Muhammad Arshad vs. Muhammad Rafique and another (PLD 2009 Supreme Court 427). The Honourable Supreme Court, in the case of Azher Pervaiz Bukhari vs. The State and another (2024 SCMR 1719), has held that bail before arrest is an extraordinary relief that cannot be granted unless the person seeking it satisfies the conditions specified under Section 497(2) Cr.P.C. In the present case, no such case for further inquiry is made out. The case laws cited by the counsel for the applicant are not helpful, as they are not applicable to the facts and circumstances of the present case.

5. For the foregoing reasons above , I am of considered view that the applicant/accused has not made out his case for the grant of pre-arrest bail, therefore, the interim pre arrest bail already granted to the applicant, is hereby recalled and present bail application is dismissed. Applicant/accused is directed to surrender before trial Court .

6. Needless to mention that the above observations are tentative in nature and will not prejudice the case of parties at the time of trial.

J U D G E

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