IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR

Crl. Bail Application No. S- 557 of 2026

Applicants:	**Zubair Shad son of Muhammad Bashir Arain, through Mr. Anwar Ali Lohar, Advocate.**
Complainant:	**Through Ch. Shahid Hussain Rajput, Advocate.**
The State	**Through** Mr. Shafi Muhammad Mahar, Deputy Prosecutor General, Sindh.

Date of hearing & Order: **02.11.2026**.

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 10.06.2026, in a case bearing crime No. 104/2025, offence u/s 489-F PPC registered at Police Station Adilpur, District Ghotki.

2. The brief facts of the case, as depicted in the FIR, are that on 30.09.2025, the complainant, Ishfaque Ahmed, lodged an FIR alleging that on 20.03.2023, at 12:00 hours, the applicant/accused issued two cheques totaling Rs. 34,90,000/-, which, upon presentation before the concerned bank, were dishonored. Consequently, the complainant lodged the FIR.

3. I have heard the learned counsel appearing on behalf of the applicant/accused, the learned DPG, as well as the complainant, Ishfaque Ahmed, who appeared in person and raised no objection to the confirmation of the interim pre-arrest bail already granted to the applicant/accused.

4. Having given due consideration to the arguments advanced by the counsel for the respective parties and having perused the relevant material, it reveals from the perusal of the FIR that the applicant/accused allegedly issued two cheques totaling Rs. 34,90,000/-, for which Section

489-F of the PPC has been applied, providing for a punishment of three years and not falling under the prohibitory clause of Section 497(1) Cr.P.C. Apparently there is dispute over business transaction and question of dishonest intention which is pre-requisite for attracting section 489-F PPC requires evidence. The Honourable Supreme Court, in Ahmed shakeel Bhatti v. The State (2023 SCMR 1) has held that the element of dishonest intention and commercial integrity under section 489-F PPC is to be determined on the basis of evidence and cannot be exclusively adjudicated at bail stage. Admittedly, the alleged offence does not fall within the prohibitory clause. It is a settled principle of law that where an offence does not fall within the prohibitory clause, grant of bail is a rule and refusal is an exception, unless exceptional circumstances are shown. In this regard reliance is placed upon Zafar Nawaz vs. The State (2023 SCMR 1977).

5. Moreover complainant, Ishfaque Ahmed, is present and has raised no objection on the ground that he has patched up with the accused and that the accused has returned the amount of the dishonored cheques. After the grant of ad-interim pre-arrest bail, the applicant/accused has not misused the concession of interim pre-arrest bail.

6. For the foregoing reasons above , I am of considered view that the applicant/accused has successfully made out a case for the grant of pre-arrest bail, therefore, the interim pre arrest bail already granted to the applicant, is hereby confirmed on same terms and conditions with direction to appear before trial Court.

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

JUDGE

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