THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

Criminal Bail Application No.S-1229 of 2026

Applicant:	Muhammad Ayoub Khan present on interim pre-arrest bail through Mr. Rizwan Ali Lashari, Advocate.
Respondent:	The State through Mr. Shawak Rathore, Deputy Prosecutor General, Sindh along with ASI Muhammad Urs PS A-Section Tando Allahyar.
Complainant:	Kamran present in person.
Date of hearing:	22.10.2026.
Date of order:	22.10.2026.

O R D E R

MUHAMMAD HUMAYON KHAN, J: - The applicant seeks pre-arrest bail in Crime No.66/2026, registered at Police Station A-Section, Tando Allahyar, under Section 489-F, PPC. His earlier bail application was dismissed by the learned 2nd Additional Sessions Judge, Tando Allahyar, on 27.03.2026. He thereafter filed Criminal Bail Application No.S-429/2026 before this Court. That application was dismissed on 09.09.2026 for repeated non-appearance, and the ad-interim pre-arrest bail granted on 08.04.2026 was recalled. The applicant has now filed the present application.

2. The prosecution case, in brief, is that a transaction concerning two shops at Boulevard Hotel & Club, Hyderabad, led the applicant to issue four cheques of Rs.2,500,000/- each in favour of the complainant. The cheques were dishonoured on presentation. The complainant alleges that, despite assurances of payment, the amount remained unpaid and the FIR was lodged on 21.02.2026.

3. Learned counsel for the applicant submits that the dispute is of a civil nature, the cheques were misused, and neither liability nor dishonest intention is established. He also relies upon the delay in registration of the FIR, a pending suit for cancellation of cheques & agreement cancellation, the non-prohibitory punishment prescribed for the offence, and recall of the non-bailable warrants.

4. Learned Deputy Prosecutor General, Sindh, opposes the application, submitting that the applicant repeatedly remained absent despite interim protection and has offered no explanation for the defaults that led to dismissal of his earlier application. The complainant, present in person, also opposes bail and produces FIR No.392/2026, lodged by Faiz

Muhammad son of Rawat Khan Qaimkhani against the applicant, alleging his involvement in similar criminal activity.

5. I have heard the learned counsel and examined the material placed on record. The question at the outset is whether the applicant has satisfactorily explained his absence in the earlier bail proceedings. In the case of AZAM SALEEM and another v. The STATE and others (PLD 2021 SC 894), the Supreme Court held that, where a pre-arrest bail petition is dismissed for non-appearance, a successive petition may be considered on merits only if the earlier absence is satisfactorily explained. The order dated 09.09.2026 records that the applicant last appeared before this Court on 18.05.2026 and thereafter remained absent on 09.06.2026, 04.08.2026, 17.08.2026, 24.08.2026 and 09.09.2026. Neither the applicant nor his counsel appeared on the date of dismissal, and no intimation regarding the applicant's whereabouts was received. These were repeated defaults while the applicant remained protected by interim pre-arrest bail. Although the present application refers to the earlier dismissal, it gives no explanation for those absences, particularly for the absence on 09.09.2026.

6. The complainant has also produced FIR No.392/2026 and alleges that it concerns similar activity. Mere registration of another FIR does not establish guilt, and it cannot be treated as proof that the applicant is a habitual offender. The present application falls to be decided on its own record. In the absence of a satisfactory explanation for the earlier defaults, the applicant has not met the threshold for consideration of this successive application on merits. His pleas concerning the underlying transaction, delay, civil proceedings and the punishment prescribed for the offence do not explain his repeated non-appearance. No ground is therefore made out to entertain the application on merits.

7. For the foregoing reasons, the present pre-arrest bail application is **dismissed** and the ad-interim pre-arrest bail granted herein stands recalled. The learned trial Court is directed to conclude the trial within three months from receipt of this order, in accordance with law. The observations made herein are tentative and shall not prejudice the determination of the case on its merits. A copy of this order shall be transmitted to the learned trial Court for information and compliance.

JUDGE

Abdullah Channa/PS*