

IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR

Crl. Bail Application No. S-209 of 2026

Applicants:	1. Jan Muhammad s/o Muhammad Soomar. 2. Muhammad Paryal son of Jan Mohammad. Both by case Junejo, resident of village Dhani Parto, Taluka Kingri, District Khairpur through Mr. Ghulam Murtaza Siyal, advocate.
The State	Through Mr. Shafi Muhammad Mahar, Deputy Prosecutor General, Sindh.
Date of hearing:	17-08-2026.
Dated of order	17-08-2026.

ORDER.

Suresh Kumar, J.---Applicants named above seek confirmation of the ad-interim pre-arrest bail granted to them by this Court vide order dated 04-03-2026, in a case bearing crime No. 01/2026, offence u/s 489-F, 420 PPC registered at Police Station Abdul Rehman Unnar, District Khairpur.

2. Brief facts of the case are that complainant Faheem Ahmed lodged the FIR on 14-01-2026 alleging therein that he owns agricultural land at deh Abdullah Kalhoru and Beli Channi, out of which he sold out an area of about 10-00 acres land to Jan Muhammad Junejo in amount of Rs. 100,000,00/-, such agreement was made, out of which he paid an amount of Rs. 20,00,000/- and issued a cheque No. 00052022 of Rs. 150,0000/- of his son Muhammad Paryal of Microfinance Bank Khairpur. The complainant has present the said cheque before the concerned Bank, which was dis-honoured, hence he lodged the above said FIR.

3. The applicant initially sought pre-arrest bail from the Court of the learned IIIrd Additional Sessions Judge, Khairpur, which was dismissed

vide order dated 27-02-2026. Aggrieved by this dismissal, the applicant has approached this Court.

4. I have heard the learned counsel appearing on behalf of the applicant/accused and learned DPG for the State.

5. Learned counsel for the applicant argued that the applicant is innocent and has been involved in a false and fabricated case; that there is inordinate of about four months in lodging the FIR and such delay has not been explained by the complainant; that there is no any outstanding of the complainant against the applicant and entire amount has been paid by the applicant.

6. Conversely, the learned Deputy Prosecutor General has opposed the confirmation of bail on the ground that applicant/accused has committed fraud with the complainant and issued the cheque which was dishonoured, hence he is not entitled for the concession of bail.

7. Having given due consideration to the arguments advanced by the counsel for respective parties, perused the relevant material. From the perusal of FIR it reveals that the cheque issued by the applicant/accused was dishonoured for which section 489-F PPC is applied in FIR. The alleged offence is punishable up to three years and does not fall within the prohibitory clause of section 497(1) Cr.P.C and in such like cases, the grant of bail is rule and refusal is an exception.

8. Similar view has been taken by the Hon'ble Supreme Court in the case of Abdul Saboor Vs. The State (2022 SCMR 51), in which it has been held as under:-

“Once this Court has held in categorical terms that grant of bail in offences not falling within the prohibitory limb of Section 497, Cr.P.C., shall be a rule and refusal shall be an exception, then the Courts of the country should follow this principle in its letter and spirit.”

8. The dispute over the money transaction is admitted between the parties; therefore, malafide cannot be ruled out. The applicant/accused has already joined investigation, therefore, he is no more required for further investigation.

9. For the foregoing reasons above and guidelines taken from the above referred case laws, 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 on 04.03.2026, is hereby confirmed on same terms and conditions with direction to appear before trial Court.

J U D G E