

IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR

Crl. Bail Application No. S-152 of 2026

Applicant: Irshad Hussain son of Khalil Ahmed bycaste Memon, Resident of Therhi Town, Taluka and District Khairpur, **through** Mr. Shoukat Ali Makwal Advocate.

Complainant Muhammad Muzaffar son of Abdul Ghafoor **through** Mr. Ali Akbar Shar 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.---Applicant Irshad Hussain Memon seeks confirmation of the ad-interim pre-arrest bail granted to him by this Court vide order dated 19-02-2026, in a case bearing crime No. 49/2026, offence u/s 489-F, 420 PPC registered at Police Station Shaheed Murtaza Mirani, District Khairpur.

2. The facts forming the basis of the FIR, as alleged by complainant Muhammad Muzaffar that on 07-11-2025 at about 12:30 pm, applicant Irshad Hussain purchased the articles of Rs. 62,05196/- and issued two cheques bearing No. 00246328 dated 03-12-2025 and other cheque No. 00246329 dated 13-12-2026 of Meezan Bank each cheque of Rs. 250,000/- total worth Rs. 500,000/- as security and promised that he paid the same amount on due dates. The complainant presented the said cheque before the concerned Bank, but same were dishonored, hence complainant has lodged the above said FIR.

3. The applicant initially sought pre-arrest bail from the Court of the learned 1st Additional Sessions Judge, Khairpur, which was dismissed

vide order dated 17-02-2026. Aggrieved by this dismissal, the applicant has approached this Court.

4. I have heard learned counsel appearing on behalf of the applicant/accused and learned DPG assisted by advocate for complainant.

5. Learned counsel for the applicant argued that the applicant is innocent and has been ensnared in a false and fabricated case; that there is inordinate of about three 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 of Rs. 500,000/- has been paid by the applicant.

6. Conversely, the learned Deputy Prosecutor General, assisted by the counsel for the complainant have opposed the confirmation of bail on the ground that applicant/accused has committed fraud with the complainant and issued the cheques which were dishonored, hence he is not entitled for the concession of bail. Learned counsel for the complainant further argued that applicant has admitted that amount in one Civil Suit No. 21/2025 before the Court of Senior Civil Judge Khairpur, but he has denied the amount in second Civil Suit.

7. Having given due consideration to the arguments advanced by the counsel for the respective parties and perused the relevant material, it transpires from the perusal of the FIR that the applicant has issued two cheques of Rs. 2,50,000/- and both the cheques were dishonored on their presentation before the concerned Bank. The record reveals that the disputed cheques' amount has been deposited in Meezan Bank by the applicant as per the deposit slip dated 10.07.2026, in compliance with the

order dated 15.06.2026. Apparently, the applicant/accused has complied with the order passed by this Court. Even otherwise, the alleged offence is punishable with up to three years and does not fall within the prohibitory clause of Section 497, Cr.P.C., and in such like cases, the grant of bail is a rule and refusal is an exception. Reliance is placed on the case of *Shahid Imran Vs. The State* (2011 SCMR 1614).

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.”

9. The dispute over the business transaction is admitted between the parties; therefore, mala fide cannot be ruled out. The applicant/accused has already joined investigation, therefore, he is no more required for further investigation. Learned counsel for the complainant has pointed out that the applicant/accused has taken two contradictory views in two different civil suits, for which the learned trial Court has to decide the said issue in view of the principle of estoppel.

10. 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 19-02-2026, is hereby confirmed on same terms and conditions with direction to appear before trial Court.

J U D G E

