

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR.
Crl. Bail Application No.S-254 of 2026.

DATE OF HEARING	ORDER WITH SIGNATURE OF JUDGE
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Applicant: Aqeel Ahmed S/O Imam Bux by caste Channa
Through **Mr.Ghulam Mujtaba Jakhar** Advocate.

The State: Through **Mr. Muhammad Raza Katohar** D.PG.

Complainant: Through **Mr.Mehboob Ali Wassan** Advocate.

Date of hearing & order: **17.09.2026.**

Suresh Kumar J:- Through instant bail application applicant/accused Aqeel Ahmed Channa seeks his pre arrest bail in Crime No.18 /2026 for Offence Punishable U/S 489-F PPC registered at PS B-Section Khairpur.

2. The facts of the prosecution, as depicted in the FIR, are that on 08.01.2026, complainant Babar Ali lodged an FIR with the Police Station B-section Khairpur, stating that the applicant, Aqeel Ahmed Channa, borrowed an amount of Rs. 2,450,000 for the construction of a house, and one cheque was given as surety for the return of the amount for 10 days. It is further alleged in the FIR that the said cheque was dishonored, as per the endorsement issued by the bank; therefore, the complainant lodged an FIR against the applicant.

3. The applicant initially approached before the Court of Sessions Judge Khairpur, for grant of pre-arrest bail which was assigned to learned Additional Sessions Judge-II, Khairpur but where application of applicant was dismissed vide order dated 06.03.2026. Being aggrieved by this dismissal order, the applicant has approached this Court.

4. I have heard learned counsel for applicant, Learned counsel for complainant and learned D.P.G Sindh at length. Learned D.P.G assisted by

counsel for complainant has strongly opposed the grant of bail to the applicant/accused.

5. Having given due consideration to the arguments advanced by the parties' counsel and having perused the record, it is revealed from the perusal of the FIR that the cheque issued by the applicant was dishonored, as per the endorsement of the bank, for which Section 489-F has been applied in the FIR. This section provides for a maximum punishment of up to three years and does not fall within the ambit of the prohibitory clause of Section 497(1) Cr.P.C. In similar circumstances, the Honourable Supreme Court of Pakistan, in the case of Abdul Rasheed v. The State (2023 SCMR 1948), has held as follows:

“---Ss 497(2) & 498-----Penal Code (XLV of 1860), S.489-F--- Constitution of Pakistan Art.185(3)---Dishonestly issuing a cheque--- pre-arrest bail, grant of---Further inquiry---Cheques given as surety--- Petitioner (accused) has placed on record a copy of the suit for rendition of accounts filed by him against the complainant before the Civil Court---Perusal of the same shows that the parties were probably running a business and the cheques were given as a surety and the same were not meant for encashment---Cheques in question are of the year 2019 and according to the Crime report the same were dishonoured in the year 2019---If that was so, it was not understandable as to why the complainant kept quiet for three years and did not lodge the FIR on time, which prima facie supports the stance taken by the petitioner---Even otherwise, even if the complainant wants to recover his money, section 489-F is not a provision which is intended by the Legislature to be used for recovery of an alleged amount---Question whether the cheques were issued towards repayment of loan or fulfillment of an obligation within the meaning of section 489-F PPC is three years and the same does not fall within the prohibitory clause of section 497(1) Cr.P.C. All the material is in documentary shape the investigation is complete and the petitioner is no more required for further investigation --- Petition for leave to appeal was converted into appeal and allowed, and ad interim pre arrest bail granted to petitioner was confirmed.”

6. Learned counsel for the applicant has contended that the cheque was issued to HBL Microfinance Bank Ranipur for the grant of a loan, but it was misused by the bank officials in collusion with the complainant, for which the applicant has filed a constitutional petition that is pending before this Court for adjudication. The advocate for the complainant has denied the contentions

raised by the counsel for the applicant. The claim of the applicant and the counterclaim of the complainant require evidence. In such circumstances, it is yet to be established at the time of trial whether the disputed cheque was issued by the accused to the complainant with dishonest intention; whether the purpose of issuing the disputed cheque was to repay a loan to fulfill an obligation; or whether the same was handed over by the applicant as a guarantee for the loan. In similar circumstances, the Honourable Supreme Court of Pakistan, in the case of Atif Ali v. The State, has held as follows:

“---Ss.497(2)&498—Penal Code(XLV of 1860),S.489-F---Constitution of Pakistan,Art.185(3)---Dishonestly issuing a cheque---Ad-interim pre arrest bail, confirmation of---Further inquiry---It was yet to be established at the time as to whether the disputed cheque was issued by the petitioner (accused) to the complainant with dishonest intention; as to whether the purpose of issuance of disputed cheque was to repay loan to fulfil an obligation or as to whether the same was handed over (in blank) by the petition as guarantee for business transaction with the complainant---on the basis of tentative assessment of the material so-far available on record, the apprehension of the petitioner about his arrest by the Police at the behest of the complainant with ulterior motive to create humiliation and unjustified harassment could not be ruled out of consideration---Case against the petitioner also fell within the ambit of further inquiry---Petition was converted into appeal and allowed and the ad-interim pre-arrest bail granted to the petitioner was confirmed.

7. In the present case applicant has already filed petition regarding the allegation of mis-use of cheque by Bank employees in collusion with complainant, therefore, mala fide, on the part of complainant can not be ruled out. The applicant/accused, after grant of interim pre-arrest bail has not mis-used the concession of bail .

8. For the foregoing reasons and in light of the guidance taken from the above case law, I am of the 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 16.03.2026 is hereby confirmed on the same terms and conditions, with a direction to appear before the trial court.

9. Needless to say that the above observations are tentative in nature and will not prejudice the case of either party at the time of trial.

Hizbullah