THE HIGH COURT OF SINDH, CIRCUIT COURT,
HYDERABAD.

Criminal Bail Application No.S- 801 of 2025

Applicant	:	Muhammad Tanveer s/o Babudin (on bail) through Mr. Syed Sardar Hussain Shah Advocate.
Complainant	:	Muhammad Fahad s/o Faheemuddin through Mr. Muhammad Saleem Chippa Advocate.
State	:	Through Ms. Safa Hisbani, D.P.G.
Date of hearing	:	21.10.2025.
Date of Short Order	:	21.10.2025.
Reasons of the Order	:	21.11.2026

O R D E R

JAWAD AKBAR SARWANA, J:- Through instant bail application, applicant/accused Muhammad Tanveer s/o Babudin seeks pre-arrest bail in Crime No.245/2025 registered at Police Station A-Section, Hyderabad for offence u/s 489-F PPC as his earlier bail application for the same relief was declined by the learned 8th Additional Sessions Hyderabad vide order dated 17.07.2025 in Cr. Bail Appln. no.1942/2025.

2. I have heard the applicant/accused and complainant Counsel, as well as the Additional Prosecutor General, Sindh and have perused the record, and my observations are as under:-

3. Counsel for the applicant / accused has pleaded that the cheque, which was dishonoured, was not issued as per any transaction and was wrongly encashed by the complainant. It was a security. He has disclosed the pleadings in the Summary Suit No.140/2025 filed by the complainant which concern the same cheques as in the criminal complaint the complainant has alleged in the summary suit that the consideration of the cheques was an underlying transaction pertaining to the sale and purchase

of milk; whereas in the FIR he refers to a sum of money payable under a lottery scheme by the applicant-accused.

4. It is an admitted position that the ingredients of Section 489-F PPC require the element of “dishonesty” to be present in the crime. Dishonesty alone is insufficient; to prove it, the dishonest conduct must be shown within the crime. Furthermore, the incident, as is evident from the FIR, is said to have taken place in 2025, whereas the report thereof itself parks the event to have taken place sometime in the year 2022.

5. In the instant case, the punishment provided by law for the offence with which the applicant has been charged is only for three years and not exceeding the limits of the prohibitory clause of Section 497 Cr.P.C. The case has been challaned, and the applicant is not required for further investigation. Consequently, the applicant has made out a good prima facie case for his admission on pre-arrest bail, and his case meets the threshold of suggesting malafide on the part of the complainant in the facts and circumstances of the case.

6. In view of the above, the instant bail application is allowed, and the interim pre-arrest bail already granted to the applicant upon furnishing a solvent surety in the sum of Rs.600,000/- and P.R. bond in the like amount is/was confirmed by a Short Order dated 13.11.2026. The above are my reasons for the Short Order.

7. The observations made hereinabove are tentative in nature and shall not influence the trial court while deciding the case on merits.

JUDGE

Tufail