ORDER SHEET

IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

Criminal Bail Application No.S-1328 of 2026

| DATE | ORDER WITH SIGNATURE OF JUDGE |
|---|---|
| | 1. For orders on office objections.<br>2. For hearing of main case. |

**04.11.2026**

Mr. Qaim Khan, associate of Mr. Muhammad Yaseen Jatoi, counsel for applicant.
Mr. Shawak Rathore, Deputy Prosecutor General, Sindh.

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**O R D E R**

**MUHAMMAD HUMAYON KHAN, J.-** Through this application, the applicant, Mst. Durdana Fareed, seeks post-arrest bail in Crime No.54 of 2026, registered at Police Station B-Section, District Shaheed Benazirabad, for offence punishable under Section 489-F PPC. Her earlier application for post-arrest bail was dismissed by the learned Additional Sessions Judge-V/(MCTC), Shaheed Benazirabad vide order dated 10.06.2026.

2. The allegation, in brief, against the applicant is that on 15.05.2025, she, along with her son, co-accused Sarim Ali, arrived at the complainant's house and obtained a loan of Rs.1,80,00,000/- from the complainant, Sheharyar, in the presence of witnesses, namely, Imtiaz Ali and Gul Bahar. In lieu of repayment of the loan, she issued cheque No.03477972 for an amount of Rs.80,00,000/- in favour of the complainant, which, upon presentation, was dishonoured and returned along with a memo. Hence, the FIR.

3. Learned counsel for the applicant contended that the offence relating to Section 489-F PPC carries punishment up to three years only and does not fall within the prohibitory clause of Section 497 Cr.P.C. It is further submitted that the issuance of the disputed cheque towards discharge of legally enforceable liability is itself a question which can only be determined after recording of evidence and full dress trial. As such, the applicant is entitled to the concession of bail. It is further argued that the applicant is an old age lady of 63 years, suffering from ailments, and is behind bars since last ten months without conclusion of trial. Therefore, keeping her behind bars any further would serve no useful purpose. She is entitled to be released on bail.

4. Conversely, learned DPG vehemently opposed the grant of bail and contended that the applicant issued the disputed cheque in discharge of legally enforceable liability, which was dishonoured on presentation, thus a prima facie case under Section 489-F PPC is made out against her; that the offence of dishonoured cheque undermines the credibility of banking transactions and cannot be taken lightly; that the plea of old age and ailment is only a ground to delay the

trial and to avoid the liability of payment; that if released on bail, the applicant may abscond and avoid facing trial. Therefore, she is not entitled to the concession of bail.

5. Heard learned counsel for the parties and perused the available record.

6. Tentative assessment of the record reveals that the offence under Section 489-F, PPC, carries a maximum punishment of three years and does not fall within the prohibitory clause of Section 497, Cr.P.C. In such cases, grant of bail is the rule and its refusal is an exception. No exceptional circumstance warranting refusal of bail is available in the present case. Further, whether the cheque was issued in discharge of a legally enforceable liability or merely as security is a question of fact that can only be determined after recording evidence during the full-dressed trial. The applicant is a 63-year-old lady, suffering from ailments, and has been behind bars for the last ten months, as stated in ground No.15 of the memo of bail, without conclusion of the trial. Keeping her behind bars any further would serve no useful purpose and would amount to pre-trial punishment. There is also no material on record to suggest that she is likely to abscond or tamper with the prosecution evidence.

7. For the foregoing reasons, this bail application is allowed. Consequently, the applicant, Mst. Durdana Fareed wife of Zaffar Ali Zuberi, is admitted to post-arrest bail upon furnishing solvent surety in the sum of Rs.2,00,000/- (Rupees Two Lac only) and a P.R. bond in the like amount to the satisfaction of the learned trial Court.

8. Needless to observe that the above observations are purely tentative and shall not prejudice the case of either party at trial. The learned trial Court shall decide the case independently, strictly in accordance with law, and shall make every endeavour to conclude the trial expeditiously, preferably within two months from the receipt of this order.

JUDGE

Muhammad Danish