

HIGH COURT OF SINDH, CIRCUIT COURT HYDERABAD

Cr. Bail Application No.S-351 of 2026

[Ali Asghar vs. The State]

Applicant by : Mr. Wali Khan advocate
Complainant by : Mr. Sikandar Ali Khaskheli advocate
State by : Ms. Rameshan Oad D.P.G
Date of Hearing : **18.05.2026**
Date of Decision : **18.05.2026**

ORDER

SYED FIAZ-UL-HASSAN SHAH, J:- The applicant has been booked in Crime No.14 of 2025 registered under Section 489-F, 406, 420 and 34 PPC at P.S Matli on the allegation that applicant had issued a cheque bearing No.CA-75044384 in the name of the complainant on 05.11.2024 for an amount of Rs.1,80,00,000/- that become dishonored when presented before the Bank concerned.

2. Learned counsel for the applicant contends that the cheque was misused although the amount was already paid to the complainant. He next contends that complainant has raised no objection for grant of bail to co-accused, who is brother of present applicant, therefore, the applicant is entitled for concession of bail on the rule of consistency. He further contends that 14 months have been passed and the applicant is behind the bar without his fault for delay in conclusion of the trial, as such he is entitled for bail on statutory ground as well. He lastly contends that no summary suit for the recovery of alleged amount has been filed by the complainant till today, therefore, there is nothing to establish that there is any interest for recovery of amount rather to ridicule the applicant.

3. On the other hand learned counsel for the complainant states that the complainant has paid a huge amount of Rs.1,80,00,000/- on different dates to applicant, as reflected in the statement filed today alongwith copies of

bank statement in compliance of the order passed on previous date. He lastly contends that applicant is not entitled for concession of bail and the instant bail application is liable to be dismissed.

4. Learned Deputy Prosecutor General also supported the version of complainant's counsel and prayed for dismissal of bail.

5. Arguments heard and record perused.

6. It appears that a substantial amount of Rs.1,80,00,000/- was debited from the account of complainant in favour of the applicant and it is not denied, therefore, I do not find any merit in the contention of applicant's counsel that cheque was misused, for the reason that the cheque was issued in the sum of Rs.1,80,00,000/- i.e a substantial amount and in case it was misused, had the applicant filed any complaint? or negated it at any forum before registration of FIR or at subsequent stage? It gives an adverse inference that the cheque was issued by the applicant. This finds further support from the Bank statement filed by the complainant's counsel which establishes that in fact, the applicant owe Rs.1,80,00,000/- which he obtained and against which subject cheque was issued.

7. As far as contention of rule of consistency is concerned, I have examined the no objection affidavit filed by complainant in a bail application, as referred by the applicant's counsel. It states another situation whereby the complainant has given no objection for grant of post-arrest bail to the co-accused, who is brother of applicant, for the reason that the sister and brother-in-law of the applicant had approach and assured the complainant for repayment of the amount within shortest possible time and even this contention and record goes against the applicant. So far as contention of applicant's counsel that no suit for recovery of amount has been instituted is concerned, that could hardly helpful to the applicant. It is discretion of the complainant to institute civil/summary proceedings against the applicant,

however, while dealing with the bail application only legal framework and statutes and provisions of law within the criminal jurisprudence have to be considered.

8. In view of the fact that a substantial amount of the complainant has been withheld by the applicant and has intentionally failed to honor the cheque as promised and it has neither been denied nor signature thereon has been disputed, but an afterthought plea has been taken that cheque has been misused, I do not find any merit in this bail application for my tentative assessment and the same stands dismissed accordingly.

9. Needless to mention here that observations made hereinabove are tentative in nature and the trial Court shall not be influenced while deciding the case on merit.

JUDGE