IN THE HIGH COURT OF SINDH, CIRCUIT COURT, MIRPURKHAS

Cr. Bail Application No.S-573 of 2026

Applicant:	Mir Ashfaq Ali son of Noor Hussain. Through Mr. Mir Sarfaraz Ali Talpur, advocate.
Complainant:	Khalid Hussain son of Abid Hussain (Present in person)
Respondent:	The State through Mr. Neel Parkash, D.P.G.
Date of Hearing:	16.11.2026
Date of Order:	16.11.2026

O R D E R

Nisar Ahmed Bhanbhro, J*:* By means of the instant application, the applicant, Mir Ashfaq Ali seeks the extraordinary relief of pre-arrest bail in Crime No.116/2026, registered under Sections 489-F PPC at Police Station Jhudo, consequent upon the dismissal of his bail plea by the learned Additional Sessions Judge-II, Mirpurkhas vide order dated 07.10.2026.

2. The facts and particulars of the prosecution case are already set out in the FIR, a copy whereof is annexed with the bail application; therefore, unnecessary reproduction thereof is avoided in view of the principle laid down in PLD 2014 SC 458.

3. Learned counsel appearing for the applicant submitted that the applicant is wholly innocent and falsely implicated on account of mala fide intent and ulterior motive due to enmity. He submitted that alleged cheque was not issued by the applicant and managed by the complainant. He contended that the FIR was registered with the delay of more than five months without any plausible explanation. He submitted that alleged offence does not fall within the prohibitory clause of section 497(i) Cr.P.C and prays for confirmation of interim pre-arrest bail.

4. Conversely, learned Deputy Prosecutor General contended that the essential ingredients of section 489-F PPC are, prima facie attracted. He submits

that prosecution possessed the dis-honoured cheque, the relevant bank memo and other supporting material which, according to him, connected the applicant with the commission of the alleged offence. He accordingly opposed the confirmation of bail.

5. Heard arguments and perused the material available on record.

6. Scanning of the material depicted that an F.I.R. No. 29 of 2025, pertaining to the same transaction, was earlier registered at the same Police Station for an offence under section 489 - F P.P.C and report under section 173 Cr.P.C was submitted before Trial Court. During the trial, compromise was effected between the parties, and the accused was acquitted. He paid an amount of Rs.15,50,000/- , and against the remaining amount of Rs.14,00,000/-, a cheque was issued, which, on presentation, was allegedly dishonoured, resulting in the registration of the present F.I.R., wherein the applicant seeks bail. This is second F.I.R for the same transaction and its validity has to be determined by the Trial Court after recording of the evidence. Since the offence does not fall within the prohibitory clause of Section 497 Cr.P.C. and, allegedly, in view of the transaction, no document is in the possession of the accused to be recovered, the applicant/accused has made out a case for grant of bail. Therefore, the instant bail application is allowed, and the interim pre-arrest bail granted to the applicant vide order dated 28.10.2026 is hereby confirmed, subject to the same terms and conditions.

7. It is clarified that the observations recorded hereinabove are tentative in nature and shall not be construed as an expression of opinion on the merits of the case, nor shall they prejudice either party at trial.

8. The instant Criminal Bail Application stands disposed of in the above terms.

JUDGE

“Adnan Ashraf Nizamani”