

**ORDER SHEET**  
**IN THE HIGH COURT OF SINDH, CIRCUIT COURT HYDERABAD**

Criminal Bail Application No.S- 561 of 2024

**07.06.2024.**

Mr. Shankarlal Maghwar, Advocate for applicant alongwith applicant (on bail).

Mr. Irfan Ahmed Qureshi, Advocate files power on behalf of complainant, taken on record.

Mr. Siraj Ahmed Bijarani, A.P.G for State alongwith SIP Muzaffar Ali Buriro SHO PS Hussainabad, Hyderabad.

**ORDER**

**ZAFAR AHMED RAJPUT, J.-** Through instant Criminal Bail Application, applicant / accused Shabir Ahmed s/o Sher Ahmed seeks pre-arrest bail in Crime No.72/2024 registered at Police Station Hussainabad, Hyderabad for an offence under Section 489-F PPC. His earlier application for the same relief bearing Cr.B.A.No.1139 of 2024 was heard and dismissed by the learned Sessions Judge, Hyderabad vide order dated 21.05.2024. He was admitted to interim pre-arrest bail by this Court vide order dated 24.05.2024, now the matter is fixed for confirmation of interim bail or otherwise.

2. It is alleged that the applicant obtained a loan of Rs.15,00,000/- (Fifteen Lac) from the complainant for operation of his wife and in lieu thereof he issued a cheque which was dishonoured by the concerned bank on being presented.

3. Heard and record perused.

4. It appears that the complainant claims to have given an amount of Rs.15,00,000/- to the applicant as loan; however, neither the time nor the place of giving such amount is mentioned in the FIR. Furthermore, FIR is delayed for about 22 days. The offence u/s 489-F PPC carries the maximum sentence of 03 years imprisonment. The general rule in such like cases is that bail should be granted unless some exceptional circumstances exist to justify denying the grant of bail. In this case no such exceptional circumstance exists. It is also noted that the case is

based on documentary evidence and as such the applicant has no chance to tamper with the same.

5. It may further be observed that the offence u/s 489-F, PPC though is non-bailable but does not fall within the prohibitory clause of Section 497, Cr.P.C. Prima face, Section 489-F, PPC is not a provision which is intended by the Legislature to be used for recovery of an alleged amount. It is only to determine the guilt of a criminal act and award a sentence, fine or both as provided under Section 489-F, PPC. As stated above, the law is very liberal especially when it is salutary principle of law that in the offences which do not fall within prohibitory clause, the grant of bail is a rule while its refusal is merely an exception. Accordingly, instant bail application is allowed the interim pre-arrest bail already granted to the applicant vide order dated 24.05.2024 is hereby confirmed on same terms and conditions.

6. Needless to mention here that the observations made hereinabove are tentative in nature and would not influence the trial Court while deciding the case of applicant on merits. However, in case the applicant misuses the concession of bail in any manner, the trial Court shall be at liberty to cancel the same after giving him notice, in accordance with law.

Criminal Bail Application stands disposed of.

JUDGE

Tufail