

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

**Cr. Bail Application No. S-413 of 2024**

Applicants : Shahzia & Ali Nawaz Chandio through,  
Mr. Muhammad Awais, Advocate.

Respondent : The State, through Ms. Sana Memon,  
Assistant Prosecutor, Sindh

Complainant : Ghulam Nabi s/o. Dildar Ali  
(nemo)  
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Date of hearing : 13.09.2024

Date of order : 13.09.2024  
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**ORDER**

**ZAFAR AHMED RAJPUT, J:-** Through instant criminal bail application, applicants/accused namely (1) Shahzia D/o Ghul Mohammad Metlo and (2) Ali Nawaz Chandio s/o Mohammad Ayoob have sought pre-arrest bail in Crime No. 102/2024, registered at P.S. Qasimabad, under Section 489-F, P.P.C. Their earlier application for the same relief bearing No.759/2024 was dismissed by the learned VI<sup>th</sup> Additional Sessions Judge, Hyderabad vide order, dated 18.04.2024. The applicants were admitted to interim pre-arrest bail by this Court vide order dated 29.04.2024, now the matter is fixed for confirmation of the same or otherwise.

2. As per F.L.R., the allegation against the applicants is that they issued two cheque(s) in favour of complainant amounting to Rs.5,00,000/00 each, which were dishonored on being presented in bank for encashment due to insufficient funds.

3. Having been heard learned counsel for the applicant as well as A.P.G. and perusing the material available on record, it appears that applicants claim to have issued alleged cheque(s) as surety for getting job by the applicant

No.1. Hence, it is yet to be determined at trial as to whether the applicants were under obligation to pay any amount to complainant against alleged cheque(s), so also, issuance of subject cheque(s) with dishonest intention is to be looked by the trial Court after recording pro and contra evidence of the parties.

4. It may be observed that the offence under section 489-F, P.P.C. is though non-bailable but does not fall within the prohibitory clause of section 497, Cr.P.C. Prima facie, section 489-F, P.P.C. 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 of a sentence, fine or both as provided under section 489-F, P.P.C. 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, the interim bail already granted to the applicants vide order dated 29.04.2024 is confirmed on same terms and conditions.

5. 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 applicants on merits and if the applicants in any manner try to misuse the concession of bail, it would be open for the trial Court to cancel their bail after issuing them the requisite notice.

Cri. Bail application stands disposed of.

**JUDGE**

*\*Hafiz Fahad\**