

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

**Criminal Bail application No.S-843 of 2025**

**Applicant** : Ghulam Rasool @ Gama son of Muhammad Munir through Mr. Altaf Sachal Awan, advocate.

**Respondent** : The State, through Ms. Safa Hisbani, Assistant Prosecutor General, Sindh along with SIP Sain Dino.

**Complainant** : Muhammad Rafiq son of Muhammad Yasin through Mr. Mehmood Alam Abbasi, advocate.

**Date of hearing** : 15.09.2025  
**Date of order** : 15.09.2025

**ORDER**

**TASNEEM SULTANA, J.-** Through this bail application, the applicant Ghulam Rasool @ Gama seeks post arrest bail in Crime No.148 of 2024, for the offence under sections 420, 406, 506, 504, 34 PPC registered at P.S Pinyari, Hyderabad, after his post arrest bail application was declined by the learned II-Additional Sessions Judge, Hyderabad vide order dated 24-07-2025.

2. Brief facts of the prosecution case are that the complainant, engaged in property business, entered into a transaction with one Ghulam Rasool Rind regarding land situated near Ganjo Takkar. It is alleged that the present applicant Ghulam Rasool @ Gama represented himself as mediator and assured that he would resolve the dispute of Ghulam Rasool Rind with his sisters provided he was paid an amount of Rs.9,500,000/-. Acting upon such assurance, the complainant paid Rs.5,000,000/- to the applicant, who prepared a settlement agreement stating that he had delivered the amount to the sisters of Ghulam Rasool Rind. Thereafter, on demand of further sum, the complainant allegedly paid Rs.2,000,000/- in cash and also handed over an Alto car. The applicant then executed an Iqarnama and issued three cheques totaling Rs.95,00,000/-, acknowledging receipt and liability, but neither fulfilled the commitment nor returned the amount. On demand of repayment, the applicant allegedly abused the complainant, issued threats of dire consequences, and displayed weapon, hence lodged FIR.

3. Learned counsel for the applicant contended that the applicant is innocent and has been falsely implicated; that the FIR is concocted and improbable as no prudent man would part with such huge sums of money without written receipts or witnesses; that the dispute is of civil nature relating to financial settlement over property which has been converted into criminal proceedings to pressurize the applicant; that the ingredients of section 406 PPC are missing as no entrustment is shown; that sections 420 and 504 PPC are bailable while section 506 PPC requires evidence which will only be determined at trial; that the FIR omits particulars of the alleged Alto car such as registration number, model or colour, which makes the story doubtful; that investigation is complete, challan has been submitted, and the applicant is behind bars with nothing left to be recovered from him; that further incarceration serves no useful purpose; and that the case of the applicant calls for further inquiry and he deserves the concession of post-arrest bail.

4. Conversely, learned counsel for the complainant assisted by the learned Additional Prosecutor General opposed the bail; that the allegations are specific and supported by documentary material in shape of Iqarnama and three cheques totaling Rs.95,00,000/- executed and delivered by the applicant himself on 16-01-2025 in Criminal Bail Application No. S-870 of 2024; that the applicant thereafter failed to honour his commitment, remained absent and as a result the said application was dismissed for non-prosecution on 17-02-2025; that subsequently his plea in Criminal Bail Application No. 656 of 2025 was dismissed on 08-03-2025 by the learned 7th Additional Sessions Judge, Hyderabad, holding that he had violated his earlier undertaking; that again in Criminal Bail Application No. 334 of 2025, this Court dismissed his plea on 16-06-2025, recording that he had misused concession of bail; that even his post arrest bail plea was dismissed on 24-07-2025 by the learned II-Additional Sessions Judge, Hyderabad; that this consistent conduct shows the applicant has persistently misused concession of bail, approached Courts with unclean hands and attempted to abuse process of law; that the allegations involve huge financial dishonesty coupled with threats and intimidation; and that in these circumstances, he does not deserve any discretionary relief.

5. Heard. Record perused.

6. At the stage of bail, evidence is not to be weighed as at trial but only assessed tentatively. The Court is to examine whether prima facie material exists connecting the accused with the alleged offence and whether grounds are made out for extending or refusing the concession of bail. It is, therefore, on the principle of tentative assessment that the present application is to be decided.

7. The allegations against the applicant are specific and supported by documentary material in the shape of Iqarnama and three cheques totaling Rs.95,00,000/- executed by him. The record of successive proceedings shows that on 16-01-2025, during Criminal Bail Application No. S-870 of 2024, the applicant himself handed over cheques and undertook to settle the matter, but failed to honour the same, remained absent, and as a result the application was dismissed for non-prosecution on 17-02-2025. Thereafter, on 08-03-2025, his bail plea in Criminal Bail Application No. 656 of 2025 was dismissed by the learned 7th Additional Sessions Judge, Hyderabad, who recorded that he had violated his earlier undertaking. Again, on 16-06-2025, his plea in Criminal Bail Application No. 334 of 2025 was dismissed by this Court, noting that he had misused concession of bail. Subsequently, on 24-07-2025, his post arrest bail application was declined by the learned II-Additional Sessions Judge, Hyderabad on merits. This sequence of events prima facie demonstrates a consistent pattern of disregard for undertakings and misuse of judicial discretion, which disentitles him from discretionary relief.

8. On the merits, the plea that the matter is civil in nature does not carry weight when the allegations also include deception, criminal breach of trust and intimidation. The execution of Iqarnama and delivery of cheques by the applicant prima facie amount to acknowledgment of liability and entrustment, thereby attracting section 406 PPC. The allegation of intimidation with weapon prima facie supports applicability of section 506 PPC. Sections 420 and 504 PPC, though bailable, cannot be detached from the non-bailable allegations when all offences arise from one transaction. The objection that the FIR does not mention particulars of the Alto car does not prima facie diminish the prosecution story, particularly when substantial documentary material exists in shape of Iqarnama and cheques corroborating the complainant's version. The Honourable Supreme Court in case of *Shameel Ahmed v. The State* (2009 SCMR 174) has held as follows

*“Grant of bail in cases not falling within domain of prohibition clause of proviso to section 497, Cr.P.C. is not a rule of universal application. Each case has to be seen through its own facts and circumstances.”*

Likewise, in the case of *Malik Muhammad Tahir v. The State & another* (2022 SCMR 2040) it has been observed that;

*“Although the offences under sections 406, 468, 489-F, PPC did not fall within the prohibitory clause of section 497, Cr.P.C. but this principle is not absolute, rather it depends upon the facts and circumstances of each case.”*

9. In the present case, both the record of successive proceedings reflecting the conduct of the applicant and the merits of the prosecution case prima facie provide reasonable grounds to believe that he is involved in the offences alleged. His case, therefore, does not call for further inquiry, and prima facie he is not entitled to the concession of bail. Accordingly, this bail application is dismissed.

10. The observations made hereinabove are tentative in nature and shall not prejudice the trial Court at the stage of final determination.

**JUDGE**

Irfan Ali