

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

*Criminal Bail Application No. S-71 of 2026.
(Imam Din vs. The State)*

For hearing of pre-arrest bail.

16.03.2026.

Mr. Iqbal Ahmed Kalheri, Advocate for the Applicant.

Mr. Shabbir Ali Bozdar, Advocate for complainant.

Mr. Muhammad Raza Katohar, Deputy Prosecutor
General

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ORDER

Ali Haider 'Ada' J.: Through this bail application, the applicant seeks pre-arrest bail in FIR No.07/2026, registered at P.S. 'A' Section, Ghotki, under Section 489-F PPC. The applicant had previously approached the learned Sessions Judge, Ghotki, whose order dated 20.01.2026, passed by the Additional Sessions Judge-I, Ghotki, dismissed the bail application.

2. According to the FIR, the complainant, Imtiaz Hussain, alleged that owing to a good relation, he provided an amount of Rs. 600,000 to the applicant in presence of witnesses. The applicant, on 15.09.2025, issued a cheque in respect thereof, which was dishonored on 26.09.2025. The complainant asserts that despite repeated demands, the applicant failed and refused to repay the said amount, leading to registration of the FIR on 12.01.2026.

3. Learned counsel for the applicant submits that the FIR contains no evidence that the applicant actually received any loan. He further contends that the FIR was lodged after a delay of over three months, without any plausible explanation, and that the alleged offence does not fall within the prohibitory clause of Section 497 Cr.P.C.

4. Conversely, learned counsel for the complainant contends that issuance and dishonor of the cheque prima

facie establish the commission of the offence, and therefore, the applicant is not entitled to bail. Learned Deputy Prosecutor General supports the impugned order on the ground that the cheque was admittedly issued.

5. Perusal of the FIR reveals that the cheque was issued on 15.09.2025 and dishonored on 26.09.2025; however, the FIR was lodged on 12.01.2026, after a delay of more than three months. Such delay, unexplained, reflects the possibility of deliberate intention to implicate the applicant. Reliance is placed upon **Kabeer Ahmed Brohi vs The State, 2025 YLR 1364**.

6. Further, the ingredients of Section 489-F PPC, including dishonest intent and non-fulfillment of obligation, require full adjudication at trial. At this stage, the requisite *mens rea* cannot be determined in tentative assessment. It is well-settled that Section 489-F PPC does not fall under the prohibitory clause of Section 497 Cr.P.C. and is not a provision for recovery of money. Reliance is placed upon **Aqeel Ahmed Khan vs. The State, 2025 ScMR 1955**.

7. In view of the foregoing, the interim pre-arrest bail granted to the applicant vide order dated 23.01.2026 is hereby **confirmed on the same terms and conditions**.

JUDGE