

**IN THE HIGH COURT OF SINDH BENCH AT SUKKUR**

*Criminal Bail Application No.S-160 of 2026.*

*[Syed Manthar Ali Shah vs.The State]*

Applicant : Syed Manthar Ali Shah, *through*  
Mr. Niaz Hussain Maitlo, Advocate.

The State : *through*, Syed Sardar Ali Shah Rizvi,  
Additional Prosecution General.

Complainant : Hafeezullah, (Nemo)

Date of hearing : 30.03.2026  
Date of Order : 30.03.2026

**ORDER**

*Ali Haider 'Ada' J.*-Through this bail application, the applicant seeks confirmation of pre-arrest bail in Crime No. 328/2024, registered at Police Station Shaheed Murtaza Mirani, for an offence punishable under Section 489-F, P.P.C. Prior to this, the applicant's bail application was dismissed by the learned Additional Sessions Judge-III, Khairpur, vide order dated 16.02.2026.

2. As per the prosecution case, on 22.07.2024, the applicant, presenting himself as a proprietor of a contracting company, induced the complainant to supply jute bags and allegedly received an amount of Rs. 1,500,000/- (Rupees fifteen lacs). In discharge of the said liability, the applicant issued a cheque dated 05.07.2024, which, upon presentation, was dishonoured on 22.07.2024. Subsequently, the complainant lodged the F.I.R. on 08.09.2024.

3. Learned counsel for the applicant contended that there is an unexplained delay in the registration of the F.I.R. It is further argued that the bank account of the applicant had already been deactivated/closed, as reflected in the bank memorandum, and no other reason for dishonour of the cheque has been established. While admitting that a business transaction existed, it was submitted that there is no documentary proof to show that the applicant

actually received the alleged amount from the complainant. He further argues that the alleged offence does not fall within the prohibitory clause and that the applicant has not misused the concession of interim pre-arrest bail. Learned counsel thus prayed for confirmation of bail. In support of the contention, reliance is placed on the cases reported in 2025 YLR 1364 and 2025 YLR 1016.

4. On 09.03.2026, the complainant appeared and sought time to engage counsel; the matter was adjourned. However, despite the case being fixed for today, no one has appeared on behalf of the complainant, nor has any intimation been received. Conversely, the learned Additional Prosecutor General opposed the application, contending that the applicant had failed to fulfill his obligation and that documentary evidence exists against him.

5. Heard, and perused the available record.

6. It is settled law that, at the bail stage, the Court may tentatively assess the material to determine whether the basic ingredients of the alleged offence are made out. In this regard, reliance is placed upon *Saad Zia vs. The State* (2023 SCMR 1898).

7. A tentative assessment of the record reflects that the complainant has failed to provide specific details of the alleged business transaction relating to the supply of jute bags. Furthermore, no receipt or documentary evidence has been produced to substantiate the claim that the alleged amount was paid to the applicant. The crucial question that whether the cheque in question was issued in discharge of a legally enforceable obligation within the meaning of Section 489-F, P.P.C is a matter which requires deeper appreciation of evidence and can only be conclusively determined at trial. In this regard, guidance is drawn from *Ali Anwar Paracha vs. The State* (2024 SCMR 1596).

8. It is also noted that although the complainant obtained an order from the learned Justice of Peace on 05.09.2024, the F.I.R. was

lodged with a delay of three days, i.e., on 08.09.2024, for which no plausible explanation has been furnished. Such delay, though not solely determinative, is a relevant consideration at the stage of bail. Reliance is placed upon *Riaz Ahmed vs. The State* (2024 YLR 1144).

9. Moreover, the material on record indicates that the applicant's bank account was inactive at the relevant time. The question whether the dishonour of the cheque was a result of dishonest intention or otherwise is a matter requiring evidence. The Honourable Supreme Court, in *Ahmed Shakeel Bhatti vs. The State* (2023 SCMR 1), has held that the element of dishonest intention and commercial integrity under Section 489-F, P.P.C., is to be determined on the basis of evidence and cannot be conclusively adjudicated at the bail stage. Admittedly, the alleged offence does not fall within the prohibitory clause. It is a settled principle of law that where an offence does not fall within the prohibitory clause, grant of bail is a rule and refusal is an exception, unless exceptional circumstances are shown. In this regard, reliance is placed upon *Zafar Nawaz vs. The State* (2023 SCMR 1977).

10. In view of the above facts and circumstances, and on tentative assessment of the material available on record, this Court is of the opinion that the applicant has made out a case for confirmation of bail. Accordingly, the instant bail application is allowed, and the interim pre-arrest bail granted to the applicant vide order dated 23.02.2026 is hereby confirmed on the same terms and conditions. Needless to observe that the observations made herein are tentative in nature and shall not prejudice the case of either party at trial.

**J U D G E**