

HIGH COURT OF SINDH CIRCUIT COURT MIRPURKHAS

Criminal Bail Application No.S-299 of 2025

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Applicant: Mudasir @ Shani S/o Allah Bux Malik,
Through Mr. Asif Chaudhry, Advocate.

Respondent: The State
Through Mr. Dhani Bakhsh Mari, A.P.G.

Complainant: Aneel Kumar S/o Bhawani Shankar,
Through Mr. Afzal Karim Virk, Advocate.

Date of Hearing: 13.01.2026

Date of Order: 13.01.2026

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ORDER

Muhammad Hasan (Akber), J-: Applicant Mudasir @ Shani seeks post-arrest bail in Crime No.138 of 2025 for offence under Sections 489-F, 420 and 34 P.P.C, registered at Police Station Town Mirpurkhas, after dismissal of his bail plea by the learned Sessions Judge, Mirpurkhas, vide order dated 23.10.2025.

2. The details and particulars of the F.I.R are already available in bail application and the F.I.R, as such, need not to reproduce the same hereunder.

3. Learned counsel for the applicant submits that the applicant is innocent and falsely implicated in this case; that there is inordinate delay of about one year and two months in lodging of the F.I.R without any plausible explanation; that the complainant has failed to produce any independent or documentary proof regarding the alleged cotton business or delivery of goods; that the alleged transaction involves disputed questions of fact; that co-accused Allah Bux has already been granted bail by learned Additional Sessions Judge-II, Mirpurkhas; that the offence does not fall within the prohibitory clause of Section 497 Cr.P.C. Lastly, he prayed for grant of bail.

4. Conversely, learned A.P.G assisted by counsel for the complainant has vehemently opposed for grant of bail to the applicant/accused.

5. Heard learned counsel for the applicant, learned counsel for the complainant, learned A.P.G for the State and perused the record.

6. From tentative assessment of the material available on record, it appears that there is inordinate delay of about one year and two months in lodging of the F.I.R without any plausible explanation. Further, the alleged transaction pertains to business dealings of cotton, which involves disputed questions of fact relating to settlement of accounts, requiring deeper appreciation of evidence, which is not permissible at bail stage. The complainant has failed to produce any agreement, delivery receipts, account books or other documentary material to substantiate the alleged transaction. The applicant is in custody, the investigation in the present case has been completed and he is no longer required by the police for further investigation. The maximum punishment provided under Section 489-F P.P.C is three years, therefore, the case does not fall within the prohibitory clause of Section 497 Cr.P.C, hence grant of bail is the rule and refusal is an exception, as held by the Hon'ble Supreme Court of Pakistan in Riaz Jafar Natiq v. The State (2011 SCMR 1708). Sufficient grounds are available which make out a case of applicant for further enquiry in terms of Section 497(2) Cr.P.C.

7. In view of the above, the applicant is admitted to post arrest bail subject to furnishing solvent surety in the sum of Rs.300,000/- and a P.R Bond in the like amount to the satisfaction of learned trial court. The observations made here-in-above are tentative in nature and would not prejudice the case of either party at the trial.

The application stands disposed of.

JUDGE