

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

Criminal Bail application No.S-1025 of 2025

Applicant : Mehboob Ali Lund s/o Noor Muhammad Lund
through Mr. Meer Ahmed Mangrio, advocate.

Respondent : The State, through Ms. Rameshan Oad,
Assistant Prosecutor General, Sindh.

Complainant : Ghulam Hussain through Mr. Saeed Ahmed
Janwari, advocate.

Date of hearing : 09.01.2026
Date of order : 09.01.2026

ORDER

TASNEEM SULTANA, J.- Through this Criminal Bail Application, the applicant Mehboob Ali Lund seeks pre-arrest bail in crime No.240 of 2025 registered at Police Station A-Section, Dadu, under Section 489-F PPC. Earlier, the applicant's plea for pre-arrest bail was allowed, but same was recalled by the learned Additional Sessions Judge-II, Dadu vide order dated 30.08.2025, hence the present bail application.

2. Brief facts of the case are that the applicant/accused purchased wheat worth Rs. 1,300,000/- from the complainant and, in the presence of witnesses, issued Cheque No. D-08230747 bearing Account No. PK26 MEZN 0086010104508539 dated 25.11.2025 in favour of the complainant. Upon presentation of the said cheque before the concerned bank, the cheque was dishonored due to insufficient funds.

3. Learned counsel for the applicant contends that the applicant is innocent and has been falsely implicated with mala fide intentions; that there is delay of about 119 days in registration of FIR for which no plausible explanation has been offered; that the applicant/accused obtained a loan of Rupees Five Lacs from the complainant in June 2024 on account of his mother's serious illness and a blank signed cheque was given to the complainant merely as security, with the assurance that it would not be misused. According to the learned counsel, the loan amount was subsequently repaid in full in November 2024 through a cheque issued by a third party, which was duly encashed by the complainant. Despite repayment, the complainant allegedly demanded additional money as interest and, on refusal, misused the security cheque, which was never meant to be presented for encashment; that the matter does not fall within the prohibitory clause of



Section 497 Cr.P.C; and that no dishonest intention can be gathered from the material on record, thus the matter requires further inquiry.

4. Conversely, learned APG assisted by learned counsel for the complainant opposed the confirmation of pre-arrest bail and submitted that the cheque in question was consciously issued by the applicant himself towards a subsisting liability; that the cheque was deposited in the ordinary course of dealings and was dishonoured due to insufficient funds; that no mala fide or ulterior motive has been demonstrated for purposes of pre-arrest bail.

5. Heard. Record perused.

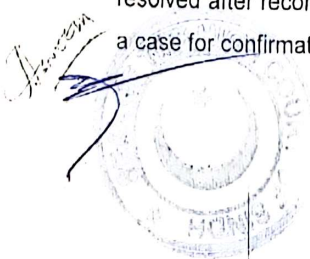
6. It reflects from the material placed on record that the allegation against the applicant is issuance of a cheque which, upon presentation by the complainant, was dishonoured due to insufficient funds. Conversely, the complainant asserts that the cheque was consciously issued by the applicant himself towards a subsisting liability and was deposited in the ordinary course of dealings.

7. Whether the cheque was subsequently misused, or was intentionally issued towards a liability as alleged by the complainant, is a disputed factual aspect which cannot be conclusively assessed at this stage and requires determination through evidence at trial.

8. The offence complained of does not fall within the prohibitory clause of Section 497 Cr.P.C. Once the case falls outside of prohibitory clause, the principle laid down by the Hon'ble Supreme Court of Pakistan regarding grant of bail as a rule and refusal an exception. Reliance is placed on *Shehzad v. The State* (2023 SCMR 679) and *Tariq Bashir and others v. The State* (PLD 1995 SC 34). The Hon'ble Supreme Court has repeatedly held that bail is neither punitive nor preventive, as punishment begins only after conviction. If a person is mistakenly granted bail, such error can be corrected upon conviction, whereas wrongful pre-trial detention, if ultimately found unjustified, causes irreparable harm to liberty. Reliance is also placed upon the judgment in *Nazir Ahmed alias Bharat v. The State and others* (2022 SCMR 1467), wherein it was observed as under:

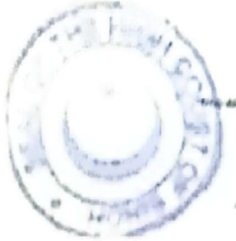
"Section 489-F of P.P.C. is not a provision which is intended by the legislature to be used for recovery of an alleged amount, rather for recovery of any amount, civil proceedings provide remedies, inter alia, under Order XXXVII of C.P.C."

9. In these circumstances, and considering that the competing versions regarding issuance or misuse of the cheque is purely factual and can only be resolved after recording of evidence by the trial Court, the applicant has made out a case for confirmation of the interim pre-arrest bail already granted to him.



10 Accordingly, vide my short order dated 09.01.2026 this bail application was allowed and the interim pre-arrest bail granted to the applicant vide order dated 03.09.2025 was confirmed on the same terms and conditions. These are the reasons in support thereof.

11 The above observations are tentative in nature and shall not prejudice the case of either party at trial.



[Handwritten signature]
JUDGE
High Court of Karnataka
Bangalore

361-482 TASHFIM SULTANA
JUNE 01, 1, 2026