**IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR**
**Criminal Bail Application No. S- 323 of 2026**

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| **Applicant:** | Sayed Pervez Shah through M/s Muhammad Sulleman Kalhoro and Syed Hajjan Shah, Advocates. |
| **State:** | Through Syed Sardar Ali Shah, Additional Prosecutor General. |
| **Complainant:** | Ahmed Ali S/o Haji Abdul Haq, by caste Memon through Qurban Ali Memon, Advocate. |
| **Date of Hearing:** | 09.07.2026 |
| **Date of Order:** | 09.07.2026 |

**ORDER**

**Zulfiqar Ali Sangi, J.-** Through the instant Criminal Bail Application, the applicant/accused, **Sayed Pervez Shah**, seeks confirmation of the interim pre-arrest bail granted to him by this Court in connection with FIR No.59 of 2026, registered at Police Station Moro, District Naushahro Feroze, for an offence punishable under Section 489-F, P.P.C. It is pertinent to observe that the applicant had earlier approached the learned Additional Sessions Judge, Moro, for the same relief; however, his application was dismissed vide order dated 06.04.2026, whereby the ad-interim pre-arrest bail previously granted in his favour was recalled.

2. The facts and circumstances culminating in the registration of the instant F.I.R. have already been comprehensively narrated in the bail application as well as in the copy of the F.I.R. appended therewith. Reproduction thereof would serve no useful purpose and would merely burden this order with unnecessary repetition. Reliance in this regard is placed upon the dictum laid down by the Honourable Supreme Court of Pakistan in *Muhammad Shakeel v. The State and others* (PLD 2014 SC 458), wherein it has been held that reproduction of the contents of the F.I.R. in judicial orders is not an indispensable requirement where the relevant facts are otherwise available on the record.

3. Learned counsel for the applicant contended that the applicant has been falsely implicated due to mala fide intentions and

ulterior motives on the part of the complainant. It was argued that the controversy between the parties emanates from a purely civil and commercial transaction relating to a Committee/V.C. arrangement, which has been given a criminal colour by the complainant through misuse of a security cheque allegedly obtained at the inception of the transaction. Learned counsel submitted that the applicant had organized a Committee/V.C. in which the complainant as well as his uncle, namely Saeed Ahmed Memon, were participants, and that the cheque in question was handed over merely as a security/guarantee and not towards the discharge of any legally enforceable debt or liability. It was further contended that the complainant himself has instituted a summary suit under Order XXXVII Rule 1, C.P.C., seeking recovery of the very same amount, and a perusal of the plaint, particularly paragraph No.4 thereof, reveals that the complainant has failed to disclose the exact date, time and place of the alleged advancement of an amount of Rs.52,20,000/-, nor has he identified the presence of any witness to such an enormous cash transaction. According to the learned counsel, these material omissions cast serious doubt upon the genuineness of the alleged transaction. It was further submitted that several civil proceedings are admittedly pending between the parties and that the present criminal case has been instituted merely as a coercive measure to pressurize the applicant. Lastly, it was argued that the applicant has remained on interim pre-arrest bail throughout and has neither misused the concession nor violated any of the conditions imposed upon him; therefore, the interim relief already granted may graciously be confirmed.

4. Conversely, learned Additional Prosecutor General, assisted by the learned counsel representing the complainant, vehemently opposed the confirmation of interim pre-arrest bail. It was submitted that the applicant is specifically nominated in the F.I.R. and that the cheque admittedly issued by him was dishonoured due to insufficiency of funds. It was argued that the complainant has produced prima facie documentary evidence, including the dishonoured cheque and the corresponding bank return memo, which sufficiently connects the applicant with the commission of the alleged offence. Learned counsel further contended that the defence plea regarding the Committee/V.C. arrangement constitutes a

disputed question of fact requiring evidence and cannot be adjudicated upon at the bail stage. It was, therefore, prayed that the interim pre-arrest bail granted to the applicant be recalled.

5. I have heard the learned counsel for the respective parties at considerable length and have carefully examined the available material on the record with their valuable assistance.

6. A tentative assessment of the record reveals that the prosecution case rests upon the allegation that the complainant advanced an amount of Rs.52,20,000/- to the applicant on 01.10.2025, whereafter the applicant issued Cheque No.70695980 dated 02.01.2026 towards repayment of the said amount, which, upon presentation, was dishonoured by the concerned bank due to insufficiency of funds. However, the material presently available on the record prima facie reflects that the origin, nature and character of the underlying financial transaction between the parties are seriously disputed. The consistent defence of the applicant is that the cheque in question was never issued in discharge of any legally enforceable debt or financial obligation but was handed over merely as a security instrument in connection with a Committee/V.C. arrangement. The applicant has also placed on record material showing that civil litigation between the parties is already pending with regard to the same transaction. At this tentative stage, such a defence cannot be brushed aside altogether, particularly when it is not disputed that the parties had prior financial dealings and business relations. Whether the cheque was issued in discharge of a legally enforceable liability or merely by way of security is a question which necessarily requires recording and appreciation of evidence during the course of trial.

7. Another significant circumstance which merits consideration is that the complainant has simultaneously instituted a summary suit under Order XXXVII Rule 1, C.P.C., seeking recovery of the identical amount of Rs.52,20,000/-. A careful examination of the plaint, particularly paragraph No.4 thereof, reveals that although the complainant alleges advancement of a substantial amount to the applicant, he has omitted to specify the precise date, time and place where such amount was allegedly paid, nor has he disclosed the

identity of any person in whose presence such a huge cash transaction allegedly took place. These material omissions, at least for the limited purpose of deciding the present bail application, give rise to a question warranting further inquiry regarding the actual occurrence and manner of the alleged transaction.

8. It is equally noteworthy that the alleged financial transaction pertains to a substantial amount of Rs.52,20,000/-, which, according to the complainant, was paid entirely in cash. Prima facie, there appears to be no written acknowledgment, receipt, agreement or any independent documentary material evidencing the alleged advancement of such a huge amount. The evidentiary worth and legal effect of the rival assertions made by the parties cannot be conclusively determined without recording evidence during the trial.

9. It is also an admitted position that the F.I.R. came to be registered on 11.02.2026 with respect to an alleged transaction stated to have taken place on 01.10.2025. Although the complainant has attempted to explain the delay on the ground that he initially approached the applicant after dishonour of the cheque, nevertheless, the effect and significance of such delay, when viewed in conjunction with the disputed nature of the transaction and the pendency of civil proceedings, constitute factors requiring deeper examination during trial. Consequently, the case of the applicant, at least tentatively, appears to fall within the ambit of "further inquiry" as contemplated under Section 497(2), Cr.P.C.

10. It is further an admitted position that the applicant has remained on interim pre-arrest bail granted by this Court. Nothing has been brought on record by the prosecution or the complainant to demonstrate that during the subsistence of such interim relief, the applicant has abused the concession, attempted to abscond, tampered with the prosecution evidence or influenced any prosecution witness. The object of the extraordinary relief of pre-arrest bail is to protect an innocent person from unnecessary humiliation, harassment and unjustified arrest where the attending circumstances prima facie suggest that the accusation calls for deeper judicial scrutiny.

11. Having given anxious consideration to the submissions advanced by the learned counsel for the parties and upon a tentative appraisal of the available material, particularly the disputed nature of the underlying financial transaction, the admitted pendency of civil litigation between the parties, the omission of material particulars regarding the alleged advancement of the amount in paragraph No.4 of the plaint filed in the summary suit, the absence of any unimpeachable material establishing the actual payment of the alleged amount, coupled with the fact that the matter prima facie calls for further inquiry within the contemplation of Section 497(2), Cr.P.C., I am of the considered view that the applicant has succeeded in making out a case warranting confirmation of the concession of pre-arrest bail.

12. Consequently, the interim pre-arrest bail granted to the applicant, **Sayed Pervez Shah**, vide order dated 08.04.2026, is hereby confirmed on the same terms and conditions. The bail bonds already furnished by the applicant shall remain operative and intact until the conclusion of the trial, subject, however, to strict compliance with all legal requirements.

13. It is clarified that the observations made herein are purely tentative in nature and confined exclusively to the adjudication of the instant bail application. The learned trial Court shall decide the case independently, strictly on the basis of the evidence that may be produced before it, without being influenced in any manner by the observations contained in this order.

**JUDGE**

Naveed Ali