

**ORDER SHEET
IN THE HIGH COURT OF SINDH CIRCUIT COURT
HYDERABAD**

Criminal Bail Application No.S-241 of 2026

Applicant: Imam Ali through Mr. Shakeel Ahmed, Advocate.
Respondent: The State through Mr. Irfan Ali Talpur, Deputy
Prosecutor General, Sindh.
Complainant: Asmatullah through Mr. Waqar Hussain Rajput,
Advocate.
Date of hearing: 13.04.2026.
Date of order: 13.04.2026.

ORDER

RIAZAT ALI SAHAR, J: - The applicant Imam Ali son of Ghulam Hyder Keerio seeks his release on post-arrest bail in a case registered against him at Police Station Sakrand, District Shaheed Benazirabad vide Crime No.20 of 2026 under Section 489-F PPC.

2. Learned counsel for the applicant, while arguing in support of the instant application, has reiterated the grounds taken in the bail application and contends that the applicant is innocent and has been falsely implicated in this case due to *mala fide* intentions and ulterior motives. He further contends that the alleged cheque was never issued by the applicant towards any lawful liability; rather, the complainant, in connivance with others, misused a blank cheque allegedly belonging to the applicant. Learned counsel contends that the matter pertains to a business transaction relating to purchase of a brick kiln, wherein the applicant had already settled the payment and the cheques were issued merely as security, which were subsequently returned, except the disputed cheque. He further contends that two cheques went missing from the possession of the applicant, for which he had already informed the concerned bank prior to the alleged occurrence. Learned counsel further contends that there is delay in lodging the FIR, which has not been plausibly explained. He further contends that the case calls for further inquiry and the applicant, being no more required for investigation, is entitled to the concession of bail.

3. On the other hand, learned counsel for the complainant as well as learned D.P.G. Sindh. for the State have vehemently opposed the grant of bail. They contend that the applicant has been specifically nominated in the FIR and admitted business dealings with the complainant. They also contend that the applicant issued the cheque in question towards discharge of liability, which was dishonoured due to insufficient funds, thereby attracting the provisions of Section 489-F, PPC. They further contend that the conduct of the applicant reflects dishonest intention and that the present case is not one of further inquiry. They pray for dismissal of the bail application.

4. I have heard the learned counsel for the parties and perused the material available on record. From the tentative assessment of the case, following aspects have emerged:

- (a) The allegation against the applicant is that he issued a cheque amounting to Rs.2,750,000/- in favour of the complainant, which upon presentation was dishonoured due to insufficient funds.
- (b) It is an admitted position that there existed business relations between the parties regarding sale and purchase of a brick kiln, which indicates that the dispute arises out of a financial transaction.
- (c) The defence plea that the cheques were issued as security and that the disputed cheque was misused cannot be outrightly discarded at this stage and requires deeper appreciation of evidence during trial.
- (d) The applicant has taken a specific plea that certain cheques were missing from his cheque book and that he had reported the same to the bank prior to the alleged dishonour, which *prima facie* creates a question requiring further inquiry.
- (e) There is a delay of about one day in lodging the FIR, which though explained by the complainant, still calls for cautious consideration at this stage.
- (f) The prosecution case primarily rests upon documentary evidence and oral assertions, which are yet to be tested through cross-examination and trial.

- (g) The offence under Section 489-F, PPC does not fall within the prohibitory clause of Section 497, Cr.P.C., as the maximum punishment provided is up to three years.
- (h) It is a settled principle of law that in offences not falling within the prohibitory clause, grant of bail is a rule and refusal is an exception, particularly when the matter appears to be of further inquiry.
- (i) The question whether the cheque was issued with dishonest intention or was misused is a matter which can only be determined after recording evidence.
- (j) The applicant is in custody and no further recovery or investigation is required from him.
- (k) No material has been brought on record to show that the applicant is a previous convict or that he would abscond or tamper with prosecution evidence if released on bail.
- (l) The overall circumstances of the case, including the nature of dispute and defence plea, make the matter one of further inquiry within the meaning of Section 497(2), Cr.P.C.

5. In view of the above observations, I am of the considered opinion that the applicant has made out a case for grant of post-arrest bail. Consequently, the applicant/accused namely Imam Ali is admitted to post-arrest bail subject to furnishing solvent surety in the sum of Rs.100,000/- (Rupees one hundred thousand) and PR bond in the like amount to the satisfaction of the trial Court.

6. It is clarified that the observations made hereinabove are tentative in nature and shall not influence the trial Court in deciding the case on merits. In case of misuse of concession of bail, the trial Court shall be at liberty to proceed in accordance with law, including cancellation of bail.

7. Criminal bail application stands allowed.

SD/-
RIAZAT ALI SAHAR
JUDGE 13-4-2026