

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

Criminal Bail Application No.S- 626 of 2026

Date of hearing: 02.09.2026.

Date of order: 02.09.2026.

Mr. Mashooque Ali Mahar, Advocate for applicant along with applicant (on bail).

Mr. Altaf Khokhar, D.P.G for State.

None present for complaint.

ORDER

ABDUL MOBEEN LAKHO, J.- Applicant/accused Gul Muhammad Khan seeks pre-arrest bail in Crime No.238/2026 registered at Police Station A-Section Latifabad, Hyderabad for offences u/s 3(2) Sindh Prohibited of Interest Private Loan Act, 2023 and 406 PPC. Previously, the applicant/accused applied for the same relief before the learned Sessions Judge, Hyderabad but the same was declined vide order dated 13.05.2026.

2. The details and particulars of the F.I.R. are already available in the bail application and F.I.R., same could be gathered from the copy of F.I.R. attached with such application, hence needs not to reproduce the same hereunder.

3. Learned counsel appearing on behalf of the applicant contends that applicant is innocent and has falsely been implicated in the case in hand with malafide intention and ulterior motive of the complainant; that there is an inordinate delay of about one month in lodgment of FIR; that there is no evidence whatsoever to connect the applicant with the commission of offence; that the offence does not fall within the prohibitory clause of Section 497 Cr.P.C. He lastly prayed for confirmation of interim pre-arrest bail.

4. On the other hand, learned D.P.G opposed the confirmation of interim pre-arrest bail on the ground that the applicant/accused is nominated in FIR with specific role.

5. Heard learned counsel for the parties and perused the entire material available on record.

6. It appears that there exists friendly terms between the applicant/accused and the husband of complainant who had borrowed some amount from the applicant but there is no proof of any element of interest or unlawful gain. Admittedly, the incident as shown is said to have taken place on 10.04.2026 whereas report thereof was lodged on 08.05.2026 i.e. after the delay of about one month though the distance between P.S and place of occurrence is only one kilometer and no plausible explanation has been furnished by the prosecution for such an inordinate delay. The delay in criminal cases has always been held by the Superior Courts to be fatal for prosecution. Moreover, the challan in the case in hand till date has also not been submitted by the prosecution. It is also noted that the case is based on documentary evidence and as such the applicant has no chance to tamper with the same. It is settled principle of law that every accused would be presumed to be blue eyed boy of law until and unless he may be found guilty of charge. It is also settled principle of Superior Courts that the law cannot be stretched upon in favour of prosecution particularly at bail stage. The applicant after furnishing surety before this Court has joined the investigation and no allegation of misusing the concession of bail has been brought on record to believe that applicant has violated the terms and conditions of the bond he has executed.

7. Based upon the above discussion the applicant has made out a good case for grant of pre-arrest bail. Accordingly, the instant bail application is allowed and the interim pre-arrest bail already granted to the applicant on 20.05.2026 is hereby confirmed on same terms and conditions.

8. Needless to mention here that the observations made hereinabove are tentative in nature and will not prejudice the case of either party at trial.

9. Pre-arrest bail application is disposed of in above terms.

JUDGE

It appears that friendly terms exist between the applicant/accused and the husband of the complainant, who had borrowed a certain amount from the applicant; however, there is no evidence indicating any element of usurious interest or unlawful gain. Admittedly, the alleged incident took place on 10.04.2026, whereas the report was lodged on 08.05.2026, after an unexplained delay of nearly one month, despite the distance between the Police Station and the place of occurrence being merely one kilometer. No plausible explanation has been furnished by the prosecution for such an inordinate delay, which has consistently been held by the Superior Courts to be fatal to the prosecution's case.

Furthermore, the investigation is complete to the extent that the case rests primarily on documentary evidence, precluding any possibility of tampering by the applicant, yet the challan/report under Section 173 Cr.P.C. has not been submitted to date. It is a well-settled principle of law that every accused is presumed innocent until proven guilty, and the benefit of any doubt must accrue to the accused, particularly at the bail stage where the law cannot be stretched in favor of the prosecution. The applicant, having been granted interim protection, has joined the investigation and executed the requisite surety bonds, with no allegation on record suggesting any misuse or violation of the concession of bail."