

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

Cr. Bail Appl. No. S-921 of 2026  
[Ayoob son of Ali Nawaz v. The State]

14.09. 2026

For orders on office objections  
For hearing of main case

Mr. Imtiaz Ali Channa Advocate along with applicant on interim pre-arrest bail  
Mr. Shahid Ahmed Shaikh, Addl. P.G.

## ORDER

**ABDUL MOBEEN LAKHO, J.-** Applicant seeks pre-arrest bail in Crime No.219 of 2023 registered at Police Station B-Section Dadu, for offences under Section 489-F, 506, 504 PPC, after dismissal of his application for pre-arrest bail by the learned Sessions Judge, Dadu, vide order dated 30.06.2026

2. The details and particulars of the case are already available in the bail application and the FIR and may be gathered therefrom; hence, the same need not be reproduced herein.

3. Learned counsel for the applicant contends that the applicant is innocent and has been falsely implicated in this case; that there is delay of 19 days in registration of FIR which has not been reasonably explained; that neither there is any business transaction between the applicant and complainant nor is there any agreement between them; that the challan has been submitted and the applicant is attending the trial Court regularly; that sections with which the applicant is charged do not fall within the prohibitory clause of section 497 Cr.P.C.; that the applicant has never issued any cheque to the complainant; that the case of applicant requires further enquiry. Lastly he prayed for confirmation of interim pre-arrest bail already granted to the applicant.

4. On the other hand, learned counsel for the complainant opposed the confirmation of interim pre-arrest bail already granted to the applicant and prayed for dismissal of the application.

5. I have heard the learned counsel for the parties and have examined the available material with their assistance. The offence under Section 489-F, P.P.C. carries a maximum punishment of three years' imprisonment and, therefore, does not fall within the prohibitory clause of Section 497, Cr.P.C. Furthermore, there is a delay of about 19 days in the

registration of the FIR, which, prima facie, has not been satisfactorily explained. It is also well settled that mere issuance of a cheque does not, by itself, constitute an offence under Section 489-F, P.P.C. It must be established that the cheque was issued dishonestly towards the repayment of a loan or the fulfilment of a legal obligation. In the present case, there is nothing on record to show that the subject cheque was issued by the applicant to the complainant either towards repayment of a loan or in fulfilment of any obligation, which are essential ingredients for constituting an offence under Section 489-F, P.P.C. In the absence of these basic ingredients, the case against the applicant calls for further inquiry within the meaning of Section 497(2), Cr.P.C. The investigation has been completed and the challan has already been submitted before the learned trial Court. The applicant is stated to be regularly attending the trial proceedings and, therefore, his further custody does not appear to be required for the purpose of investigation. The whole case of the prosecution rests upon the documentary evidence, which is in possession of prosecution, therefore, no question of tampering the evidence arises at the hands of the applicant.

6. In view of above, I am of the opinion that at this stage the applicant has been able to make out a case for pre-arrest bail. Accordingly, instant bail application is allowed and the interim pre-arrest bail earlier granted to the applicant vide order dated 15.07.2026 is hereby confirmed on the same terms and conditions.

The observations made hereinabove are tentative in nature and would not prejudice the case of either party at trial.

JUDGE