THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

Criminal Bail Application No.S-1117 of 2026

Applicant:	Muhammad Amjad present on interim pre-arrest bail through Mr. Ansar Ali Shar, Advocate.
Respondent:	The State through Mr. Shawak Rathore, Deputy Prosecutor General, Sindh along with SIP Nafeez Ahmed.
Complainant:	Vikram through Mr. Suneel Kumar Khatri, Advocate.
Date of hearing:	06.11.2026.
Date of order:	06.11.2026.

O R D E R

MUHAMMAD HUMAYON KHAN, J: - Through this order, I intend to decide the instant Criminal Bail Application whereby the applicant Muhammad Amjad son of Muhammad Hanif seeks pre-arrest bail in crime No.150/2026 registered at PS B-Section, Tando Muhammad for the offence under section 489-F PPC. Earlier, bail plea of the applicant was turned down by learned Additional Sessions Judge-II, Tando Muhammad Khan vide order dated 17.08.2026. The applicant was admitted to interim pre-arrest bail by this Court vide order dated 21.08.2026.

2. Briefly, complainant Vikram alleges that the applicant purchased banana crop for Rs.30,000,000/- and issued cheque No.D-35691917 dated 22.05.2026 towards its price. Upon presentation on 25.05.2026, the cheque was returned with the endorsement “payment stopped by drawer”. The FIR was lodged on 24.07.2026 following the alleged refusal to pay.

3. Learned counsel submits that Muhammad Amjad is falsely implicated following FIR No.191/2025 lodged by his son Abdul Haseeb against Papoo Thakur, the complainant’s brother. He disputes issuance and liability, citing the two-month delay and prior criminal and rent litigation. He points out that Papoo Thakur son of Razo was granted bail on 23.10.2026 in Crime No.365/2026 under sections 420/489-F, P.P.C., and seeks pre-arrest bail on further inquiry and *mala fide*, relying upon 2024 SCMR 1596.

4. Conversely, learned D.P.G. Sindh, assisted by learned counsel for the complainant, opposes bail on the ground that the applicant issued

the cheque against the price of banana crop and deliberately stopped payment to deprive the complainant of Rs.30,000,000/-. They maintain that the cheque and return memo *prima facie* connect him with the offence and support the impugned order.

5. Heard and record perused.

6. The cheque and its return memo are relevant material, but do not, by themselves, resolve whether it was dishonestly issued towards repayment of a loan or fulfillment of an obligation. The applicant disputes its issuance and the underlying transaction. Existing disputes, the liability and dishonest intention require evidence. In ALI ANWAR PARACHA v. The STATE and another (2024 SCMR 1596), the Supreme Court treated the disputed obligation underlying a cheque as a matter for trial and further inquiry. The plea of retaliation is supported by circumstances beyond a bare assertion. The impugned order itself notices the earlier FIR lodged by the applicant's son against the complainant's brother and the proceedings under sections 22-A and 22-B, Cr.P.C. The subsequent order dated 23.10.2026 granting bail to Papoo Thakur in Crime No.365 of 2026 also records Muhammad Amjad as complainant and refers to the earlier criminal and civil litigation. That order concerns a separate occurrence and affords no automatic parity; it does, however, corroborate the background of hostility. Read with the interval of about sixty days between return of the cheque and registration of this FIR, these circumstances lend substance, tentatively, to the plea that arrest is sought to exert pressure in the parties' monetary disputes. Delay alone would not justify bail.

7. Section 489-F, P.P.C., carries imprisonment up to three years. In ABDUL SABOOR v. The STATE through A.G. Khyber Pakhtunkhwa and another (2022 SCMR 592), the Supreme Court reaffirmed the rule favoring bail in offences outside the prohibitory clause. The amount involved, without more, does not establish an exception. The impugned order identifies no concrete circumstance showing likely abscondence, interference with evidence or repetition of the offence. Although Abdul Saboor and Ali Anwar Paracha [supra] concerned post-arrest bail, the present relief rests additionally upon the circumstances indicating an ulterior purpose behind the threatened arrest. The disputed ingredients, documentary nature of the accusation and substantiated background of

rivalry together justify protection under section 498, Cr.P.C.; the non-prohibitory punishment is not being treated as the sole ground.

8. Consequently, this application is **allowed** and the interim pre-arrest bail already granted to the applicant/accused vide order dated 21.08.2026 is hereby **confirmed** on the same terms and conditions.

9. The observations made herein are tentative in nature and shall not prejudice either party at the trial.

JUDGE

Abdullah Channa/PS