IN THE HIGH COURT OF SINDH BENCH AT SUKKUR.
Crl. Bail Application No.S-664 of 2026.

DATE OF HEARING	ORDER WITH SIGNATURE OF JUDGE

Applicant: Parshutam S/O Ram Chand Hindu
Through Mr.Asadullah Soomro, Advocate.

(2). Crl.Bail Application No.665 of 2026

Applicant: Mahesh Kumar S/O Gurbakhsh Hindu
Through Mr.Mujeeb ur Rehman Malano, Advocate.

Complainant: Kelash S/O Phero Mal (in person)

The State: Through **Mr. Mansoor Ahmed Shaikh,** D.PG.

Date of hearing & order: **16.11.2026**.

Suresh Kumar J:- Through this common order, I, intend to dispose of above two Crl. Bail Applications filed on behalf of applicants/accused Parshotaum and Mahesh Kumar arising out of same crime No.218 of 2026 for an Offence Punishable U/S 489-F PPC registered at Police station A-Section Ghotki wherein they seek pre arrest bail.

2. The facts of the prosecution case, as depicted in the FIR, are that on 30.06.2026, the complainant, Kailash, lodged an FIR stating that cheque No. 00215385 for Rs. 68 lacs, dated 08.06.2026, was issued but was dishonored by the bank on 10.06.2026. Consequently, the complainant lodged the FIR as per the directions issued by the Additional Sessions Judge-I, Ghotki.

3. The applicants/accused initially approached before the Court of Sessions Judge, Ghotki, for grant of pre-arrest bail which was dismissed vide order dated 07.07.2026, by learned Additional Sessions Judge-I(MCTC) Ghotki. Being aggrieved by this dismissal order, the applicant has approached this Court.

4. I have heard learned counsel for applicant, Learned counsel for complainant and learned D.P.G Sindh assisted by complainant. Learned D.P.G and complainant have strongly opposed the confirmation interim pre arrest bail to the applicants/accused.

5. Having given due consideration to the arguments advanced by the respective parties and having perused the record, it reveals that the applicant/accused, Parshutam, allegedly issued a cheque amounting to Rs. 68 lacs against a civil liability, which was dishonored, for which Section 489-F PPC is applied in the FIR. The alleged offence carries a punishment of up to three years and does not fall within the prohibitory clause of Section 497(1) Cr.P.C. Apparently, there is a civil nature dispute between the parties; therefore, mala fides on the part of the complainant cannot be ruled out. It is well-settled law that for an offence under Section 489-F PPC, the prosecution must demonstrate that the cheque was issued with dishonest intention and for the discharge of a legally enforceable obligation. Where these elements are doubtful and require deeper appreciation of evidence, the case falls within the ambit of further inquiry, as held in the cases of Abdul Saboor v. The State (2022 SCMR 592) and Noman Khaliq v. The State (2023 SCMR 2122). Moreover, there is a delay of 20 days in lodging the FIR, which has not been explained by the complainant. The above cumulative facts calls for further inquiry. In this regard, reliance is placed upon the case of Kabeer Ahmed Brohi Vs. the State (2025 YLR 1364) in which this court at paragraph No.5 has held as under:

> *"5.No doubt the applicant is nominated in the FIR; however, it was registered with the inordinate delay of about 45 days, for which no plausible explanation has been furnished by the prosecution. The delay in criminal case has always been deprecated by the superior Courts. As far as the amount in question is concerned, the applicant has placed on record number of documents through his statement, which on perusal reveal that the parties are on strained relations over the business transactions; hence, have disputed the claim of each other. In view of earlier litigation between them, the element of mala fide on the part of complainant can not be ruled out. Hence, the basis ingredients for grant of pre-arrest bail, as has bene laid down by the*

Apex Court in the case of Rana Muhammad Arshad v. Muhammad Rafique and another (PLD 2009 SC 427), are very much attracted and applicable to this case. Moreover, there are disputed facts which are to be thrashed out by the trial Court after recording pro and contra evidence of the parties at trial; hence in view of the dicta laid down by the Honourable Supreme Court in the case of Ahmed Shakeel Bhatti (supra) the case against the applicant requires further enquiry within the meaning of subsection (2) to section 497 Cr.P.C."

6. Moreover, the challan against the applicant/accused has been submitted before the trial court, where the applicants/accused have been appearing and they have not misused the concession of interim pre-arrest bail granted by this Court.

7. For the foregoing reasons and in light of the guidance taken from the above case law, I am of the considered view that the applicants/accused have made out a case for the grant of pre-arrest bail. Therefore, the interim pre-arrest bail previously granted to the applicants/accused on 08.07.2026 and 07.08.2026, respectively, is confirmed on the same terms and conditions, with a direction to appear before the trial court.

8. Needless to say that the above observations are tentative in nature and will not prejudice the case of either party at the time of trial.

J U D G E

Hizbullah