IN THE HIGH COURT OF SINDH BENCH AT SUKKUR.
Crl. Bail Application No.S-638 of 2026.

DATE OF HEARING	ORDER WITH SIGNATURE OF JUDGE

Applicant: Muhammad Shareef S/O Muhammad Sulleman
Through Mr.Khan Muhammad Sangi, Advocate.

Complainant: Abid Ali S/O Manzoor Ahmed,
Through Mr.Noor Hassan Malik, Advocate.

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

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

Suresh Kumar J:- Through instant Crl. Bail Application, the applicant/accused Muhammad Shareef seeks pre arrest bail in crime No.16/2026 for an offence punishable under section 489-FPPC, registered at Sarhad District Ghotki.

2. The facts of the prosecution case, as depicted in the FIR, are that on 25.04.2026, the complainant, Bhagiyal Mahar, lodged an FIR stating that cheque No. 00010403, amounting to Rs. 33 lacs and dated 20.02.2026, was issued by the applicant/accused in favor of the complainant, but the same cheque was dishonored by the bank. Consequently, the complainant appeared at the police station and lodged the FIR.

3. The applicant/accused initially approached before the Court of Sessions Judge, Ghotki, for grant of pre-arrest bail which was dismissed vide order dated 30.04.2026, by learned Additional Sessions Judge-III, Ghotki. Being aggrieved by this dismissal order, the applicant has approached this Court. The applicant/accused has been granted interim pre arrest bail vide order dated 03.07.2026, which is fixed for confirmation or otherwise.

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

the applicant/accused and have relied upon the case law reported in 2021 P.Cr. L.J 886, 2021, YLR 367 & 2022 YLR 1662.

5. Having given due consideration to the arguments advanced by the respective parties, perused the relevant record. From the perusal of the record, it reveals that the applicant/accused allegedly issued a cheque amounting to Rs.33 lacs, which was dishonored by the bank, for which Section 489-F PPC is attracted. 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 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).

6. Moreover, there is a delay of 03 months and 21 days in lodging the FIR, which has not been explained by the complainant, therefore, due deliberation and consultation can not be ruled out. 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."

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

8. With due respect and regards to the case law referred by learned counsel for complainant but the same are distinguishable to the facts and circumstances of this case therefore, the same are not applicable in this case.

9. For the foregoing reasons and in light of the guidance taken from the above case law, I am of the considered view that the applicant/accused has made out a case for the grant of pre-arrest bail. Therefore, the interim pre-arrest bail previously granted to the applicant/accused on 03.07.2026 is confirmed on the same terms and conditions, with a direction to appear before the trial court.

10. 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/PA