

# IN THE HIGH COURT OF SINDH AT KARACHI

## **Criminal Bail Application No.1740 of 2025**

Applicant : Hyder Ali Bhutto Through:  
M/s. Muhammad Ramzan and Nisar  
Ahmed, Advocates

The State : The State Through Ms. Seema Zaidi,  
Addl. P.G Sindh, Assisted by Mr. Munir  
Ahmed Khan, Advocate

Date of hearing : 13.11.2025

Date of Order : 13.11.2025

### **ORDER**

**Jan Ali Junejo, J:--** Applicant Hyder Ali Bhutto seeks pre-arrest bail in Crime No.65/2025 registered under Sections 420, 489-F, 506-B, 34 PPC at Police Station Makli. The Applicant's plea for pre-arrest bail was earlier declined by the learned Additional Sessions Judge-I/Model Criminal Trial Court, Thatta vide order dated 03.07.2025. Subsequently, this Court granted interim pre-arrest bail vide Order dated: 04.07.2025, which is now fixed for confirmation or otherwise.

2. As per FIR, the complainant alleges that the applicant and co-accused obtained a loan amount of Rs.45,00,000/- from him and issued various cheques which were dishonoured upon presentation. Further, the complainant narrates that on 03.04.2025 the applicant allegedly pointed a pistol at him and threatened him, constituting an offence of criminal intimidation under Section 506-B PPC.

3. Heard and record perused.

4. The core dispute emerging from the FIR, the statements of the complainant, and the documents placed on record relates to a monetary transaction, allegedly a loan extended to the accused persons. The case of the prosecution is based on: 1. alleged advancement of Rs.45,00,000/-, 2. issuance of cheques by the applicant, and 3. dishonour of said cheques. Learned counsel for the applicant submits that the applicant neither obtained any amount

nor issued the cheques attributed to him by the complainant. Whether the cheques in question were in fact issued by the applicant, and if so, whether they were issued dishonestly towards repayment of a loan or in performance of any liability, are matters requiring evidence, and cannot be conclusively determined at the bail stage. This aspect alone renders the case one of further inquiry under Section 497(2) Cr.P.C.

5. The principal allegations pertain to Sections 420 and 489-F PPC. Both offences, though non-bailable, do not fall within the prohibitory clause of Section 497 Cr.P.C. The settled principle laid down by the Honourable Supreme Court is that where the offence does not fall within the prohibitory clause, grant of bail is a rule and refusal an exception, unless extraordinary circumstances exist, none of which are present here. Section 489-F PPC is essentially to prosecute cheque fraud, not to serve as a mechanism for recovery of disputed amounts. Whether the transaction was civil in nature, and whether criminal liability is attracted, is a matter to be assessed by the trial Court on the basis of evidence.

6. The prosecution has also invoked Section 506-B, PPC, which prescribes punishment for criminal intimidation. It is essential to note the following: To constitute an offence under this provision, the prosecution must prima facie establish:

1. *That a threat was extended to cause death or grievous hurt;*
2. *That such threat was given with the intention to cause alarm to the complainant; and*
3. *That the threat was imminent, deliberate, and of such a nature as to create fear in the mind of the victim.*

The record reflects that: The alleged threat is not corroborated by any independent witness other than the complainant's own accompanying persons; There is an unexplained delay in reporting the alleged incident of intimidation; and The allegation surfaced only after the monetary dispute escalated, rendering it inherently doubtful whether any such threat was actually extended.

7. The FIR itself narrates a long civil-natured business dispute culminating in allegations of dishonoured cheques; the threat appears an afterthought intended to add pressure. Therefore, the statutory ingredients of Section 506-B PPC are admittedly not attracted, or at least require deeper appreciation of evidence, which is impermissible at bail stage but sufficient to extend benefit of further inquiry.

8. The nature of dispute, the civil nature of the transaction, the absence of convincing material connecting the applicant to issuance of the disputed cheques, and the doubtful application of Section 506-B PPC collectively bring the case within the ambit of further inquiry. For confirmation of pre-arrest bail, even a hint of mala fide arising from: delayed lodging of FIR, involvement of personal business dealings, subsequent escalation into criminal allegations, is sufficient to extend extraordinary relief under Section 498 Cr.P.C.

9. For the foregoing reasons, the case against the applicant requires further inquiry. The offences do not fall within the prohibitory clause, the ingredients of Section 506-B PPC are prima facie not attracted, and the applicant has already joined investigation. Accordingly, the interim pre-arrest bail granted to the applicant vide order dated 04.07.2025 is hereby confirmed on the same terms and conditions.

10. The observations made herein are tentative, confined to the disposal of this bail application, and shall not prejudice the parties, nor shall they influence the learned trial Court at the time of recording evidence and deciding the case on merits. These are the detailed reasons of the Short Order dated: 13-11-2025.

**JUDGE**