

# HIGH COURT OF SINDH, CIRCUIT COURT HYDERABAD

Cr. Bail. Application No.S-200 of 2026  
*[Bilal Ahsan Khan versus The State]*

Applicant by: Mr. Naeem Ahmed Junejo advocate  
Complainant by: In person  
State by: Ms. Rameshan Oad D.P.G  
Date of hearing 30.06.2026  
Date of Order 30.06.2026

## **ORDER**

**TASNEEM SULTANA, J:** Through the instant application, applicant Bilal Ahsan Khan seeks post-arrest bail in Crime No.168 of 2025 registered at P.S Cantt: Hyderabad under Section 489-F PPC. His earlier bail application for the same relief being CrI. Bail Application No.278 of 2026 has been declined by the V<sup>th</sup> Additional Sessions Judge Hyderabad vide Order dated 09.02.2026.

2. Brief facts of the prosecution case, as set out in the FIR, are that the complainant used to do business of seeds and pesticides and alleged that the applicant/accused, some months prior to registration of the FIR, obtained cash amount of Rs.40,00,000/- from him for agricultural business, which he failed to return on the due date. However, in lieu thereof, he handed over Cheque No.44445991 of National Bank of Pakistan for an amount of Rs.20,00,000/-, which the complainant deposited in his Micro Finance Bank Limited for encashment on 20.10.2025, but the same was returned dishonoured. Hence, the subject FIR was lodged.

3. Learned counsel for the applicant contends that the applicant is innocent and has been falsely implicated; that the FIR has been lodged with unexplained delay of five days; that the applicant neither obtained any loan from the complainant nor issued any cheque; that in fact the applicant and complainant are employees in Sindh Government Agriculture Department's World Bank-funded project, namely Sindh Water and Agriculture Transformation Project, and upon refusal by the applicant to fulfil the illegal demands of the complainant, the complainant and his companions confined the mother of the applicant at D.G. House, broke the locks of his house and took away the cheque and other belongings of the applicant; that the applicant has already instituted Civil Suit No.1634 of 2025 before the learned IVth Senior Civil Judge, Hyderabad, for declaration, rendition of accounts, cancellation of cheques and damages, whereas till date the complainant has not instituted any suit for recovery, which shows that the alleged transaction is disputed and requires determination by the competent

Court.

4. Conversely, learned D.P.G., assisted by the complainant in person, opposes the bail application and contends that the applicant issued the cheque in question in lieu of an outstanding amount; that the cheque was presented before the bank and was returned dishonoured; that the complainant has been deprived of his lawful amount; that pendency of civil proceedings does not absolve the applicant from criminal liability under Section 489-F, PPC; and that the applicant is not entitled to the concession of post-arrest bail. However, satisfactory explanation for the delay in lodging of the FIR could not be offered.

5. Heard. Record perused.

6. It appears from the tentative assessment of the record that the complainant has not produced any receipt or other independent document to show that the alleged amount was handed over to the applicant/accused. It is further alleged by the complainant himself that the cheque was returned dishonoured on 20.10.2025, whereas the FIR was lodged on 25.10.2025. Satisfactory explanation for such delayed recourse to criminal proceedings is not available on record.

7. The record further shows that the applicant has already filed a civil suit before the Court concerned for declaration, rendition of accounts, cancellation of cheques and damages, whereas till date the complainant has not instituted any suit for recovery of the alleged amount and has instead resorted to criminal proceedings. At this stage, the question whether the cheque was issued towards repayment of a loan or fulfilment of an obligation within the meaning of Section 489-F, PPC, would require further inquiry and determination after recording of evidence. Besides, the offence under Section 489-F, PPC carries maximum punishment of three years and does not fall within the prohibitory clause of Section 497, Cr.P.C. The settled principle of law is that in offences not falling within the prohibitory clause, grant of bail is a rule and refusal is an exception. Reliance in this regard may beneficially be placed upon the case of Abdul Rasheed v. The State (2023 SCMR 1948), wherein the Hon'ble Supreme Court observed as under:

*“Even otherwise, even if the complainant wants to recover his money, Section 489-F of PPC is not a provision which is intended by the Legislature to be used for recovery of an alleged amount. In view of the above, the question whether the cheques were issued towards repayment of the loan or fulfilment of an obligation within the meaning of Section 489-F PPC is a question, which would be resolved by the learned Trial Court after recording of evidence. The maximum punishment provided under the statute for the offence under Section 489-F PPC is three years and the same does not fall within the prohibitory clause of Section*

*497 Cr.P.C. It is settled law that grant of bail in offences not falling within the prohibitory clause is a rule and refusal is an exception.”*

8. Similarly, in the case of Abdul Saboor v. The State through A.G. KPK and another (2022 SCMR 592), the Hon’ble Supreme Court observed that the offence under Section 489-F, PPC does not fall within the prohibitory clause of Section 497, Cr.P.C., and that since the maximum sentence provided thereunder is three years, bail should generally be granted rather than refused. It was further emphasized that Section 489-F, PPC is not intended to be used as a tool for monetary recovery, which is otherwise the subject of civil proceedings under Order XXXVII, CPC.

9. In view of the above facts and circumstances, the applicant has made out a case for grant of post-arrest bail. Accordingly, instant bail application is allowed and the applicant/accused is admitted to post-arrest bail, subject to furnishing solvent surety in the sum of Rs.1,00,000/- and P.R. bond in the like amount to the satisfaction of the learned trial Court.

10. Needless to mention that the observations made hereinabove are tentative in nature and shall not influence the learned trial Court while deciding the case on merits.

JUDGE