

ORDER SHEET
**IN THE HIGH COURT OF SINDH CIRCUIT COURT
HYDERABAD**

Criminal Bail Applications No.S-601 of 2026

Applicant: Ali Bahadar through Mr. Ayatullah Khuwaja, Advocate.

Respondent: The State through Mr. Shahid Ahmed Shaikh, Additional Prosecutor General, Sindh.

Complainant: Moazam Nadeem Ali through Mr. Abdul Hameed Bajwa, Advocate, who filed his Vakalatnama, taken on record.

Date of hearing: 11.06.2026.

Date of order: 11.06.2026.

ORDER

MUHAMMAD OSMAN ALI HADI, J: - The applicant Ali Bahadar son of Anwar Ali Bhatti seeks his release on post-arrest bail in a case registered against him at Police Station Tando Jam, District Hyderabad vide Crime No.59 of 2026 under Section 489-F PPC.

2. Learned counsel for the applicant/accused states that the applicant has been charged under section 489-F PPC and has been behind bars since last three months. He contends that the offence with which the applicant is charged carries a maximum sentence up to three years imprisonment at best. He also states that no purpose would be served if the applicant is kept behind bars for an indefinite period. Learned counsel contends the applicant is entitled to concession of bail, as such, prays for grant of bail to the applicant/accused.

3. Learned counsel for the complainant opposed the bail application and submits that the cheque has been issued by the applicant, and therefore, he should not be given concession of bail. Learned counsel contends that the applicant has also previously issued cheques, and as such, this also disentitles him to the grant of bail. He also relied upon the case of SHAMEEL AHMED v. THE STATE (2009 SCMR 174).

4. Learned A.P.G. Sindh concurs with the arguments of the counsel for the complainant.

5. I have heard the learned counsels, and find that there is no proof on record, which has been attached by the complainant showing any habituality of such action by the complainant. Furthermore, since the alleged offence carries maximum sentence upto three years, it does not fall within the prohibitory clause of section 497 (1) Cr.P.C. Furthermore, it is also transpired that the complainant has not filed any civil suit for recovery against the applicant, which creates doubt on the motives of the complainant, and that, the complainant has not appeared to take any steps to recover the actual funds which were allegedly defrauded by the applicant.

6. It is by now well-settled that in offences not falling within the prohibitory clause of Section 497, Cr.P.C., the grant of bail is a rule, whereas its refusal is an exception. Reliance in this regard is placed upon the judgments of the Honourable Supreme Court of Pakistan reported as 2021 SCMR 822 (Sheikh ABDUL RAHEEM v. The STATE), 2022 SCMR 592 (ABDUL SABOOR v. The STATE) and 2023 SCMR 2122 (NOMAN KHALIQ v. The STATE), wherein it has consistently been held that offences under Section 489-F, P.P.C., ordinarily attract the principle of further inquiry within the contemplation of Section 497(2), Cr.P.C., particularly where the dispute emanates from financial or business transactions and the determination of liability necessitates a deeper appreciation of evidence, which can only be undertaken at the trial.

7. Be that as it may, the alleged offence does not fall within the prohibitory clause, and there is nothing on record to suggest that the applicant is likely to abscond or otherwise pose any threat to society. Therefore, no legal impediment exists to the grant of bail. For the foregoing reasons, the instant bail application is **allowed** and the applicant is admitted to post-arrest bail, subject to his furnishing a solvent surety in the sum of Rs.150,000/- (Rupees One Hundred and Fifty Thousand Only) and a P.R. bond in the like amount, to the satisfaction of the learned Additional Registrar of this Court.

8. Criminal bail application stands **allowed**.

JUDGE