

IN THE HIGH COURT OF SINDH, CIRCUIT COURT HYDERABAD

Cr. Bail Application No.S-672 of 2026

Applicant(s) : Zain Ali son of Muhammad Aslam
Through Mr. Amjad Ali Khaskheli, Advocate

Complainant : Muhammad Ameen Zakaria
Through Ms. Maria Bughio, Advocate

The State : Through Mr. Altaf Hussain Khokhar, DPG.

Date of hearing : 19.10.2026

Date of Order : 19.10.2026

ORDER

OMAR SIAL, J:- Applicant seeks post arrest bail in crime number 56 of 2026 under sections 489-F P.P.C. registered at the Market police station, Hyderabad.

2. The facts and circumstances of the case are available in the bail applications and the FIR; therefore, the same are not being reproduced herein for the sake of brevity.

3 I have heard the applicant's counsel and the learned Assistant Prosecutor General who was assisted by the learned counsel for the complainant.

4. The applicant has been in jail for six months in a crime which carries a potential sentence of three years. By the time this case is heard and decided, he would have lived out his sentence without being adjudicated guilty. My findings and observations are as follows.

No evidence to the transaction from where the dispute arises is on record. Consequently, the purpose for which the cheque was issued will require determination at the trial. It is to be kept in mind that an offence under section 489-F P.P.C. arises only when the cheque has been given for the fulfillment of an obligation or the satisfaction of a loan. Similarly, the mensrea i.e. dishonesty will also require to be proved at the trial. An offence under section 489-F P.P.C. although not bailable falls within non-prohibitory clause of section 497 Cr.P.C. Keeping in mind the principles enunciated in *Tariq Bashir and 5 others vs. The State* (**PLD 1995 SC 34**), I do not see any exceptional or extraordinary reason to deny the applicant bail.

5. Accordingly, applicant Zain Ali is admitted to post-arrest bail against a solvent surety of Rs.500,000 [Rupees Five Hundred Thousand] and a P.R. Bond for the like amount to the satisfaction of the Trial Court.

JUDGE

Ali Haider