

IN THE HIGH COURT OF SINDH, CIRCUIT COURT HYDERABAD

Cr. Bail Application No.S-1072 of 2026

Applicant : Asghar Ali through Mr. Saad Salman Ghani,
Advocate.

Complainant : Ali Sher through Mr. Mehran, Advocate.

The State : Through Mr. Nazar Muhammad Memon, Additional
Prosecutor General Sindh.

Date of hearing : **12-10-2026**

Date of order : **12-10-2026**

ORDER

OMAR SIAL, J:- *Ashgar Ali* seeks post-arrest bail in crime number 212 of 2026 under sections 489-F P.P.C. registered at the Market police station, Hyderabad.

2. The complainant alleged that the applicant Asghar Ali, having business dealings with him in mobile phones, failed to repay Rs.10,00,000/- and issued a cheque dated 11.05.2026 for the said amount, which was dishonoured on 13.05.2026 upon presentation. Despite repeated demands, the amount remained unpaid. As such, the complainant registered present FIR.

3. I have heard the applicant's learned counsel, the complainant's learned counsel, and the learned Additional Prosecutor General Sindh.

4. The offence with which the applicant is charged carries a potential sentence of three years. He has been in jail for three and a half months already. By the time this case is heard and decided, he would have completed his sentence without being adjudicated guilty. My findings and observations are as follows.

- i. 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 Asghar Ali is admitted to post-arrest bail against a solvent surety of Rs.100,000 [Rupees One Hundred Thousand] and a P.R. Bond for the like amount to the satisfaction of the Trial Court.

JUDGE

Ali Haider