

IN THE HIGH COURT OF SINDH AT KARACHI

Criminal Bail Application No.69 of 2025

Applicant : Rizwan S/o Muhammad Iqbal
through Mr. Shah Imroz Khan, Advocate

Respondent : The State
through Ms. Rubina Qadir, Addl. P.G.,
Sindh a/w SIP Muhammad Nasir and SIP
Aslam Shahzad

Date of hearing : 10.03.2025

Date of order : 10.03.2025

ORDER

AMJAD ALI SAHITO, J -- Through this Bail Application, applicant/accused seeks pre-arrest bail in Crime No.514/2024 for the offence under Section 489-F PPC registered at PS Preedy, after his bail plea has been declined by the learned Additional Sessions Judge-IX, Karachi South vide order dated 05.10.2024.

2. The details and particulars of the FIR are already available in the bail application and FIR, same could be gathered from the copy of FIR attached with such application, hence, needs not to reproduce the same hereunder.

3. Per learned counsel for the applicant, applicant is innocent and has falsely been implicated in this case; that the cheque was issued as per the agreement but subsequently, the complainant deposited the same; that the applicant has no liability against the complainant. Lastly, he prays for confirmation of bail. In support of his contention, he has relied upon case laws reported as 2024 SCMR 1596 (Ali Anwar Paracha vs. The State and another) and 2024 SCMR 1567 (Muhammad Anwar vs. The State and another).

4. On the other hand, learned Addl. P.G. also opposed for confirmation of bail to the applicant.

5. Heard arguments and perused the record.

6. From perusal of record, it reflects that the complainant was doing his own business of scrap goods in partnership with the present applicant; however, through an agreement the applicant

issued a post-dated cheque of Rs.1300000/- to the complainant for which one Kamran took the guarantee. When the complainant demanded his money back, then applicant refused him one or other way; as such, he deposited the said cheque in his account but subsequently, the same was dishonoured. Hence, the ingredients of Section 489-F PPC are very much applicable in this case. Further, the applicant knowingly issued the said cheque that he had no sufficient amount; as such, he has also committed offence of cheating and fraud with the complainant. The applicant has also not denied issuance of his cheque as well as from his signature. At bail stage, only tentative assessment is to be made. No malafide or ill-will or enmity has been pleaded by the applicant/accused, which could be the ground for false implication in this case.

7. Further, the concession of pre-arrest bail cannot be allowed to an accused person unless the Court feels satisfied with the seriousness of the accused person's assertion regarding his intended arrest being actuated by *mala fide* on the part of the complainant party or the local police but not a word about this crucial aspect of the matter is found as no *mala fide* is made on the part of the complainant to believe that the applicant/accused has been implicated in this case falsely. In this context, the reliance is placed to the case of '**Rana Abdul Khaliq v. The STATE and others**' [2019 SCMR 1129]. In addition to the above, I would like to mention that grant of pre-arrest bail is an extraordinary remedy in criminal jurisdiction; it is a diversion of the usual course of law, arrest in cognizable cases; protection to the innocent being hounded on trump up charges through abuse of process of law, therefore, an applicant seeking judicial protection is required to reasonably demonstrate that intended arrest is calculated to humiliate him with taints of *mala fide*, it is not a substitute for post-arrest bail in every run of the mill criminal case as it seriously hampers the course of the investigation.

8. In view of the above, the instant bail application is **dismissed**. Resultantly, the interim pre-arrest bail granted to the applicant/accused vide order dated 10.01.2025 is hereby recalled.

9. Needless to mention here that the observations made hereinabove are tentative in nature and would not influence the learned trial Court while deciding the case of the applicant/accused on merits.

JUDGE

Kamran/PA