

IN THE HIGH COURT OF SINDH AT KARACHI

Criminal Bail Application No.259 of 2025

Applicant : Muhammad Bilal S/o Muhammad Hanif
Present in person.

Respondent : For Complainant:
Mr. Adnan Ali, Advocate

For State:
through Ms. Rubina Qadir, Addl. P.G.,

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.294/2024 for the offence under Section 489-F/420 PPC registered at PS Aram Bagh, after his bail plea has been declined by the learned 1st Additional Sessions Judge(Model Criminal Trial Court), Karachi South vide order dated 22.01.2025.

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. The matter was taken up at 08:45 a.m. when learned counsel for the applicant was called absent and at the request of applicant, matter was kept aside. Again the matter is taken up at 10:00 a.m. when learned counsel for the applicant is called absent and the applicant is directed to proceed with the matter; however, he refused to proceed the same. In such situation, learned Addl. P.G. reads the FIR and opposes for grant of bail. Mr. Adnan Ali, Advocate files Vakalatnama for the complainant and also opposes for grant of bail. However, the applicant contended that he had purchased the paper goods from the complainant of different amounts and he had already cleared all his dues pending against him towards such purchase and produced all such proof to the police; that complainant also admitted receiving such amounts on

different dates as per his ledgers; that all cheques mentioned in the FIR by complainant were in fact cheques of security which were already given by him in advance and after payment of his all dues, he stopped purchasing papers goods from complainant and demanded back his blank cheques but complainant failed to return disputed cheques and subsequently, misused the same. Lastly, he prays for confirmation of bail.

4. Heard arguments and perused the record.

5. From perusal of record, it reflects that the complainant reported that present applicant purchased the paper goods from him during the period of 2023-24 in a total sum of Rs.35 Crores, out of which an amount of Rs.11 Crores 63 lacs and 40 thousands was due upon him and in lieu thereof, he has issued 10 cheques to complainant; however, when the said cheques were presented the same were dishonoured due to stop payment. Hence, the ingredients of Section 489-F PPC are very much applicable in this case. Further, the applicant knowingly issued the said cheques that he had already stopped the payment; as such, he has also committed offence of cheating and fraud with the complainant. The applicant has also not denied issuance of his cheques 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.

6. 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.

7. 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 29.01.2025 is hereby recalled.

8. 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