

## **IN THE HIGH COURT OF SINDH AT KARACHI**

### Criminal Bail Application No.280 of 2025

Applicant : Shaikh Muhammad Saqib S/o Shaikh  
Ameeruddin through Mr. Manzar Abbas  
Larik, Advocate

Respondent : The State  
Through Mr. Saleem Akhtar Buriro, Addl.  
P.G., Sindh & Complainant present in  
person.

Date of hearing : 11.02.2025

Date of order : 11.02.2025

### **ORDER**

**AMJAD ALI SAHITO, J** -- Through this Bail Application, applicant/accused seeks pre-arrest bail in Crime No.296/2024 for the offence under Section 489-F PPC registered at PS Kharadar, after his bail plea has been declined by the learned VIIIth Additional Sessions Judge, Karachi South vide order dated 28.01.2025.

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. Per learned counsel for the applicant, the applicant is innocent and has falsely been implicated in this case; that the FIR is delayed about two months for which no plausible explanation has been furnished; that in fact complainant was in touch with Zubair and with the collusion of each other, they tried to usurp the amount from the applicant; that Zubair is a middleman who managed the whole story mentioned in the FIR and deceived the applicant; that the applicant has already filed a Civil Suit before the competent Court of law. Lastly, he prays for confirmation of bail to the applicant.

4. On the other hand, Learned Addl. P.G. so also complainant opposed for grant of bail.

5. Heard arguments and perused the record.

6. The case of the prosecution is that the complainant has invested some amount in property with the applicant on the suggestion of one Zubair with condition that he would receive profit on the principal amount. Thereafter, an agreement was made and subsequently, the applicant issued three cheques total amounting to Rs.33,00,000/- which were bounced due to closure of account. Hence, the ingredients of Section 489-F PPC are very much applicable in this case. Further, the applicant knowingly issued the said cheques that his account is already closed; 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**.

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