

## IN THE HIGH COURT OF SINDH AT KARACHI

Criminal Bail Application No. 3386 of 2025

Applicant : Abdul Toheed son of Abdul Haq Shaikh  
Through Mr. Irshad Ahmed S. Chachar,  
advocate

Respondent : The State  
Through Ms. Seema Zaidi, Addl.P.G Sindh.  
Assisted by Mr. Mumtaz Ali Narejo,  
advocate

Date of hearing : 07.05.2026.

Date of order : 07.05.2026.

### ORDER

**Jan Ali Junejo, J.**— Applicant Abdul Toheed son of Abdul Haq Shaikh seeks pre-arrest bail in a case bearing Crime No. 860/2025, for offence under section 489-F PPC of P.S Steel Town, Karachi. Prior to this, the applicant had sought the same relief before the learned Sessions Judge, Malir at Karachi, which was declined vide order dated 01.12.2025. He was admitted to interim pre-arrest bail by this court vide order dated 09.12.2025, now the matter is fixed for confirmation of interim bail or otherwise.

2. The accusation against the applicant as per contents of FIR lodged by the Complainant is that he issued a post-dated cheque leaf bearing No.11663387 amounting to Rs.14,50,000/- in favor of complainant for fulfillment of an obligation, which was dishonored on presentation before the bank concerned due to insufficient funds. Such F.I.R No.860/2025, was registered under Section 489-F PPC at Police Station Steel Town against the applicant.

3. Heard and perused record.

4. As per the contention of the learned counsel for the applicant, the applicant has been falsely implicated with mala fide intention as the agreement was made between the complainant and the contractor namely Imdad Ali. He contends that the FIR has been lodged with unexplained delay of about one year, that the essential ingredients of Section 489-F PPC, including dishonest intention and mens rea at the time of issuance of cheque, are completely missing, and that the applicant has joined

investigation and has not misused the concession of interim protection; therefore, he prays that the pre-arrest bail be confirmed.

5. The Addl. P. G. Sindh assisted by learned counsel for the complainant, while not opposing the grant of bail, recorded his no objection to the instant application in view of the affidavit of no objection filed by the complainant, same is taken on record, wherein he has expressly raised no objection to the applicant being admitted to bail.

6. Notably, the complainant has since submitted an affidavit in which he has raised no objection to the grant of bail to the applicant. This has resulted in two conflicting versions, one set forth in the FIR and the other contained in the complainant's affidavit. Such divergence creates a situation where the veracity of the complainant's statement and his credibility can only be determined at the time of trial, after the recording of evidence. The law is very liberal especially when it is salutary principle of law that in the offences which do not fall within prohibitory clause, the grant of bail is a rule while its refusal is merely an exception. Accordingly, the interim bail already granted to the applicant vide order dated 09.12.2025 is confirmed on same terms and conditions.

7. Needless to mention here that the observations made hereinabove are tentative in nature and would not influence the trial Court while deciding the case of the applicant on merits. However, in case the applicant misuses the concession of bail in any manner, the trial Court shall be at liberty to cancel the same after giving him notice, in accordance with law.

**J U D G E**