

IN THE HIGH COURT OF SINDH AT KARACHI

Cr. Bail Application No.3283 of 2025

Applicant : Muhammad Khalid Lakhani through
Mr. Altaf Hussain, Advocate.

Respondent : The State through Mr. Muhammad Noonari,
Deputy Prosecutor General Sindh.

Date of hearing : 20.04.2026.

Date of order : 20.04.2026.

ORDER.

TASNEEM SULTANA, J.: —Through this Criminal Bail Application No. 3283 of 2025, the applicant, Muhammad Khalid Lakhani, seeks pre-arrest bail arising out of FIR No.20 of 2022, registered at Police Station Bahadurabad, Karachi, for the offence under Section 489-F PPC. His earlier Criminal Bail Application No. 1397 of 2024 was dismissed by the learned IInd Additional District & Sessions Judge, Karachi East, vide order dated 29.05.2024; hence, the instant application for the same concession.

2. Brief facts of the prosecution case, as per FIR, are that the complainant, namely Mrs. Nafisa W/o Shabbir, has alleged that Muhammad Javed S/o Abdul Latif induced her to purchase Shop No. 6 and, in pursuance thereof, she entered into an agreement of sale dated 01.01.2021 and paid an amount of Rs. 04 Crore out of total consideration; thereafter, it transpired that the said accused was neither owner of the property nor possessed genuine title documents and had shown forged/fake documents; upon protest, the said accused, in order to repay/secure the amount, issued a cheque bearing No.005765825 dated 25.09.2021 for a sum of Rs. 02 Crore drawn on Habib Metropolitan Bank Ltd, Tariq Road Branch, Karachi; however, upon presentation, the said cheque was dishonoured with the remarks "Funds Insufficient"; hence, the instant FIR was lodged.

3. Learned counsel for the applicant contended that the applicant is innocent and has been falsely implicated; that he is not nominated in the FIR and his involvement has surfaced subsequently during the course of investigation; that no material has been brought on record to establish any legally enforceable liability on account of which the cheque in question was

issued; that prior to the alleged issuance, the applicant had intimated the bank regarding loss of cheque book and the cheque in question falls within the said series; that the circumstances attending the issuance of the cheque are doubtful and require deeper probe; that no recovery is to be effected from the applicant and custodial interrogation is not required; hence, the case falls within the ambit of further inquiry under Section 497(2) Cr.P.C.

4. Learned Deputy Prosecutor General, on the other hand, opposed the application and contended that the cheque in question was issued from an account attributed to the applicant and bears his signatures; therefore, he is directly connected with the commission of the alleged offence.

5. From tentative assessment of the material available on record, it appears that the allegation against the applicant is that the dishonoured cheque in question was issued from a bank account attributed to him. However, the prosecution has not, at this stage, been able to prima facie establish any legally enforceable liability on account of which the cheque was issued. It further appears that prior to the alleged issuance, the applicant had intimated the bank regarding loss of cheque book, which includes the cheque in question; this circumstance gives rise to a substantial question requiring determination at trial as to whether the cheque was issued voluntarily or was misused after being lost. In such circumstances, the question of intention at the time of issuance of the cheque cannot be conclusively determined at this stage and requires deeper appreciation of evidence. Thus, the precise nature and extent of involvement of the applicant calls for further inquiry within the meaning of Section 497(2) Cr.P.C.

6. It is settled law that where the material on record creates doubt regarding the involvement of the accused, the concession of bail is to be extended. Reliance is placed on *Salman Mushtaq & others v. The State* (2024 SCMR 14), wherein it has been held as under:

“While considering the grounds agitated for enlargement on bail, whether pre-arrest or post-arrest, the atrociousness, viciousness and/or gravity of the offence are not, by themselves, sufficient for the rejection of bail where the nature of the evidence produced in support of the indictment creates some doubt as to the veracity of the prosecution case. Therefore, where, on a tentative assessment, there is no reasonable ground to believe that the accused has committed the offence, and the prosecution case appears to require further inquiry, then in such circumstances the benefit of bail may not be withheld as a punishment to the accused.”

7. The offence under Section 489-F PPC carries punishment up to three years and does not fall within the prohibitory clause of Section 497 Cr.P.C.; therefore, grant of bail is a rule and refusal an exception. Reliance is placed on *Abdul Rasheed v. The State* (2023 SCMR 1948), wherein it has been held as under:

“Even otherwise, even if the complainant wants to recover his money, Section 489-F of PPC is not a provision which is intended by the Legislature to be used for recovery of an alleged amount. In view of the above, the question of whether the cheques were issued towards repayment of the loan or fulfillment of an obligation within the meaning of Section 489-F PPC is a question, which would be resolved by the learned Trial Court after the recording of evidence. The maximum punishment provided under the statute for the offence under Section 489-F PPC is three years and the same does not fall within the prohibitory clause of Section 497 Cr.P.C. It is settled law that grant of bail in the offences not falling within the prohibitory clause is a rule and refusal is an exception.”

8. In view of the above facts and circumstances, the applicant has made out a case for confirmation of pre-arrest bail. Consequently, interim pre-arrest bail earlier granted to the applicant vide order dated 27.11.2025 is hereby confirmed on the same terms and conditions. The applicant shall attend the trial regularly and shall not misuse the concession of bail; any violation shall entail cancellation of bail in accordance with law.

9. Needless to observe that the observations made hereinabove are tentative in nature and shall not prejudice the case of either party at trial.

JUDGE