

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

Cr. Bail Application No. 3511 of 2025

**Applicant:** Majid Bashir through Mr. Karamullah Qureshi, Advocate.

**Complainant:** Juma Khan through Mr. Muhammad Asif, Advocate.

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

**Date of hearing:** 17.03.2026

**Date of order:** 17.03.2026

**ORDER**

**TASNEEM SULTANA, J:** - Through this Criminal Bail Application, the applicant seeks pre-arrest bail arising out of Crime No. 1009/2025 registered under Section 489-F/34 PPC at P.S. Gulistan-e-Jauhar. His earlier Criminal Bail Application No. 5823 of 2025 was dismissed by the learned Additional Sessions Judge, Karachi East, vide order dated 13.12.2025; hence this application for the same concession.

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. Learned counsel for the applicant contended that the applicant is innocent and has been falsely implicated; that there is an unexplained delay of about eight months in lodging the FIR; that no direct transaction exists between the complainant and the applicant; rather, the applicant's dealings were with one Wirasat Ali alias Najam; that the entire amount has already been settled through banking channels and cash transactions; that the matter is of a civil nature arising out of business dealings; that the cheques in question were not issued against any existing liability but merely as security; that the essential element of dishonest intent is missing; that the applicability of Section 489-F PPC is a matter to be determined at trial; and that the alleged offence does not fall within the prohibitory clause of Section 497 Cr.P.C.; therefore, the case calls for further inquiry and the applicant is entitled to the concession of bail.

4. Learned Deputy Prosecutor General opposed the application and submitted that the applicant issued cheques which were dishonoured, thereby committing an offence under Section 489-F PPC.

5. Arguments heard. Record perused.

6. It appears that the dispute between the parties relates to business transactions concerning the sale and purchase of vehicles, which prima facie constitutes a civil controversy. Although the applicant has denied the complainant's claim regarding any outstanding dues, the question whether the cheques were issued with dishonest intent against an existing enforceable liability or merely as security requires evidence to be recorded at trial. Furthermore, the delay of about eight months in lodging the FIR has not been satisfactorily explained, which creates doubt and calls for further inquiry. Moreover, 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., thereby making the grant of bail a rule and refusal an exception. Reliance is placed on the case of ***Muhammad Anwar v. The State and another (2024 SCMR 1567)***, wherein the Honourable Supreme Court of Pakistan observed as follows:

“In view of the above, the question whether the cheques were issued towards repayment of a loan or fulfillment of an obligation within the meaning of Section 489-F, P.P.C. is a question to be resolved by the learned Trial Court after recording of evidence. The maximum punishment provided under the statute for the offence under Section 489-F, P.P.C. is three years and the same does not fall within the prohibitory clause of Section 497, Cr.P.C. It is settled law that the grant of bail in offences not falling within the prohibitory clause is a rule and refusal is an exception.”

7. In view of the above facts and circumstances of the case, the applicant has succeeded in making out a case of further inquiry within the meaning of Section 497(2) Cr.P.C. Consequently, the instant bail application is allowed, and interim pre-arrest bail granted to the applicant, Majid Bashir, vide order dated 18.12.2025, is confirmed on the same terms and conditions. These are the reasons for my short order dated 17.03.2026.

8. It is clarified that the observations made hereinabove are tentative in nature and shall not prejudice the case of either party at trial.

**JUDGE**