

## IN THE HIGH COURT OF SINDH AT KARACHI

### Criminal Bail Application No. 3136 of 2025

**Applicant:** Kashif Ibrahim through Mr. Aijaz Ali, Advocate.

**Complainant:** Muhammad Murad through Mr. Kashif Ali, Advocate.

**Respondent:** The State through Mr. Qamaruddin Nohri, Deputy Prosecutor General

**Date of hearing:** 02.04.2026

**Date of order:** 02.04.2026.

### ORDER

**TASNEEM SULTANA, J.** - Through this Criminal Bail Application, the applicant Kashif Ibrahim seeks pre-arrest bail arising out of FIR No.601/2024 registered at Police Station Steel Town, Karachi, for offence punishable under Section 489-F, P.P.C. Having been rejected his earlier Cr. Bail Application No.4037 of 2025 passed by learned Additional Sessions Judge-I(MCTC) Malir, Karachi, vide order dated 15.09.2025, hence this application for the same concession.

2. Brief facts of the prosecution case are that the complainant Muhammad Murad allegedly paid an amount of Rs.700,000/- to the applicant. Thereafter, upon demand, the applicant issued cheque No.00150648 dated 25.11.2023 in favour of the complainant. The said cheque, on presentation, was dishonoured on account of insufficient funds. It is further alleged that, despite intimation, the applicant adopted delaying tactics, whereafter the present FIR was registered.

3. Learned counsel for the applicant contended that the applicant is innocent and has been falsely implicated with mala fide intention; that there is an unexplained delay of about six months in lodgment of the FIR, which reflects deliberation; that no agreement or underlying transaction has been disclosed in the FIR; that no independent witness has been cited by the complainant; that the cheque in question was allegedly missing from the office of the applicant, regarding which prior FIR No.1564 of 2023 had already been lodged; that the dispute is of civil nature; that the offence under Section 489-F, P.P.C. does not fall within the prohibitory clause; and that

the matter calls for further inquiry within the meaning of Section 497(2), Cr.P.C.

4. Conversely, learned D.P.G assisted by learned counsel for the complainant opposed the bail application; contended that the applicant issued cheque amounting to Rs.700,000/- which was dishonoured due to insufficient funds; that the banking record and return memo support the prosecution case; that the issuance of cheque is not disputed; that the offence involves dishonest intention; and that no case for grant of extraordinary relief of pre-arrest bail is made out.

5. Heard; record perused.

6. The allegation against the present applicant relates to the issuance of a cheque which, upon presentation, was dishonoured on account of insufficient funds. To attract the offence under Section 489-F, P.P.C., the prosecution is required to show that the cheque was issued towards repayment of a legally enforceable obligation and was dishonoured upon presentation.

7. The plea of the applicant that the cheque in question had earlier gone missing and had already been reported through a prior FIR makes doubtful the manner in which it came into the possession of the complainant. In such circumstances whether the cheque was issued towards discharge of a legally enforceable liability and whether the ingredients of Section 489-F, P.P.C. are attracted are questions requiring deeper examination at trial, thus bringing the case within the ambit of further inquiry under Section 497(2), Cr.P.C.

8. For the foregoing reasons, the applicant has made out a case for confirmation of pre-arrest bail. Consequently, the interim pre-arrest bail granted to the applicant vide order dated 12.11.2025 is hereby confirmed on the same terms and conditions.

9. The observations made herein are tentative in nature and shall not prejudice the case of either side at trial.

10. These are the reasons for my short order dated 02.04.2026.

**JUDGE**