

IN THE HIGH COURT OF SINDH AT KARACHI.

Cr. Bail Application No. 65 of 2026.

Applicant : Fahad Shakeel through Mr. Asadullah Ahmedani, Advocate.

Respondent : The State through Mr. Mohammad Noonari, D.P.G. Sindh

Date of hearing : 30.3.2026.

Date of order : 30.3.2026.

ORDER.

TASNEEM SULTANA, J.:- Through this Criminal Bail Application, the applicant Fahad Shakeel seeks pre-arrest bail arising out of Crime No. 581 of 2024 registered at P.S. Gulshan e Iqbal, Karachi, for the offence under Sections 489-F, 420, 34 PPC. Having been rejected his earlier Cr. Bail Application No.5658 of 2025 passed by learned Additional Sessions Judge-XIII, Karachi East vide order dated 16.12.2025, hence this application for the same concession.

2. Brief facts of the prosecution case are that the complainant Shakir Khan had been availing the services of the applicant Fahad Shakeel for travelling abroad and, on this occasion, contacted him for arranging travel of his family to Indonesia/Singapore etc., for which the applicant received an amount of Rs.45,00,000/- in June, 2024; thereafter, in July, 2024, when the visa process was underway, an issue arose regarding the missing finger of one child, which was conveyed to the applicant, who assured that there would be no problem, however, at the time of departure the children were returned from the airport; subsequently, when the complainant demanded return of his amount, the applicant avoided the same on one excuse or another and, after much effort, issued six cheques bearing Nos. 00000422, 00000423, 00000424, 00000425, 00000426 and 00000427, amounting in aggregate to Rs.5,00,000/-, of Bank Alfalah, Gulshan-e-Iqbal Branch, in the name of Total Travel Services, signed by Syed Ahmed Zeshan Jafri; the complainant deposited the said cheques in Bank Al-Habib, Gulshan-e-Iqbal, Karachi on 07.08.2024 and 19.08.2024, but the same were dishonoured on account of insufficient funds; hence, the instant FIR was lodged.

3. Learned counsel for the applicant contended that the applicant is innocent and has been falsely implicated in the present case with mala fide

intention; that he is merely an employee of Total Travel Services and not the beneficiary of the alleged amount; that he had no role in issuance of the cheques in question; that the cheques in question neither bear his signatures nor were drawn on his account, rather, the same were signed by one Syed Ahmed Zeshan Jafri; that no amount was ever credited into the account of the applicant; that there is no allegation of misrepresentation or dishonest inducement on his part; that no direct role has been attributed to the applicant except bald allegations; that even otherwise the matter, if any, is of civil nature arising out of business dealings; that there is delay in lodgment of the FIR which creates doubt in the prosecution case; that the case calls for further inquiry within the meaning of Section 497(2) Cr.P.C.; lastly, prayed for confirmation of pre-arrest bail.

4. Conversely, learned D.P.G. for the State opposed the application and contended that the applicant is nominated in the FIR with a specific and active role; that he admittedly received the amount from the complainant for arranging foreign travel but failed to fulfill his obligation; that the plea of his being merely an employee does not absolve him of liability at this stage; that the cheques, though signed by another person, were issued in consequence of the transaction undertaken by the applicant and, therefore, prima facie connect him with the commission of alleged offence; that the dishonour of cheques attracts the provisions of Section 489-F PPC; that the conduct of the applicant in avoiding repayment despite repeated demands reflects dishonest intention; that sufficient incriminating material is available on record; that no mala fide has been shown on the part of the complainant or the investigating agency; that delay in lodging of FIR stands explained on account of efforts made for recovery; therefore, the applicant does not merit the extraordinary concession of pre-arrest bail.

5. Heard. Record perused.

6. It appears that the cheques in question neither bear the signatures of the applicant nor are drawn on his account, rather, the same are allegedly to have been signed by co-accused. There is nothing on record to show that the alleged amount was ever credited into the account of the applicant or that he was a beneficiary thereof. The role attributed to the applicant is limited and does not disclose any specific act of deception or fraudulent inducement. The question whether the applicant had any criminal intent (mens rea) or active participation in the alleged offence requires deeper examination and can only be determined after recording of evidence at trial. The case, therefore, prima facie falls within the ambit of further inquiry as

envisaged under Section 497(2) Cr.P.C. It is a settled principle of law that where the liability, issuance of cheque and intention are disputed, the matter calls for further inquiry within the meaning of Section 497(2) Cr. P.C. Reliance is placed on the case of **Salman Mushtaq & others v. The State through P.G Punjab and another (2024 SCMR 14)**.

Similarly, in the case **Nazir Ahmed alias Bharat v. The State and others (2022 SCMR 1467)**, it was observed by Hon'ble Supreme Court as under:-

“Section 489-F of P.P.C. is not a provision which is intended by the legislature to be used for recovery of an alleged amount, rather for recovery of any amount, civil proceedings provide remedies, inter alia, under Order XXXVII of C.P.C.”

7. The offence under Section 420 PPC is bailable while Section 489-F, P.P.C. carries punishment up to three years hence it does not fall within the prohibitory clause of Section 497(1), Cr.P.C. Reliance is placed in the case of **Abdul Rasheed v. The State (2023 SCMR 1948)** wherein the Supreme Court has ruled as follows:

“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 offense 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 offenses 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 been succeeded to make out a case for concession of bail. Consequently, instant bail application is allowed and interim pre arrest bail granted to the applicant vide order dated 09.01.2026 is confirmed on the same terms and conditions. These are reasons of my short order dated 30.3.2026.

9. Observations made herein are tentative in nature and shall not influence the trial Court in any manner.

JUDGE