

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

Cr. Bail Appln. No. 247 of 2026.

**Applicant :** Muhammad Adnan Tasleem through Ms. Uzma Rafique, Advocate.

**Complainant :** Mst. Kulsoom Bibi present in person.

**Respondent :** The State through Mr. Shoaib Safdar, A.P.G.

**Date of hearing :** 24.3.2026.

**Date of order :** 24.3.2026.

**ORDER**

**TASNEEM SULTANA, J :-** Through this Criminal Bail Application, applicant Muhammad Adnan Tasleem seeks pre-arrest bail arising out of FIR No. 1102 of 2025, registered at Police Station Defence, Karachi, for offences under Sections 420 and 489-F of PPC. Having been rejected his earlier post arrest bail application No. 16 of 2026 by learned III Additional Sessions Judge-III, South Karachi, vide order dated 23.01.2026, hence this application for same concession.

2. Brief facts of the prosecution case are that the complainant, Mst. Kulsoom Bibi, was induced by one Adnan (applicant) to invest in a Forex trading business. Acting on such inducement, she invested Rs. 18,00,000/- with co-accused Imran Ul Haq and Mohib under written agreements and received profits for about eight to ten months. Thereafter, the co-accused allegedly claimed business losses and stopped payments. Upon demand for return of her investment, Imran Ul Haq issued a cheque of Rs. 9,00,000/-, which was dishonoured due to a signature difference. Consequently, the complainant alleged that the accused, in collusion, cheated her and committed fraud, leading to the registration of the FIR.

3. Learned counsel for the applicant contended that the applicant, Muhammad Adnan Tasleem, is innocent and has been falsely implicated by the complainant with malafide intent and ulterior motives; that he has no documentary nexus with the alleged investment transaction; that he is neither a signatory nor a witness to any of the agreements executed between the complainant and the principal co-accused; that the

dishonoured cheque, forming the basis of the charge under Section 489-F PPC, was drawn and issued solely by co-accused Imran UI Haq; that the applicant had no role in issuing, signing, or delivering the said cheque; that, therefore, the provisions of Section 489-F PPC do not attract to the case of the present applicant; that the FIR was lodged with an unexplained delay of five days, which renders the prosecution case doubtful; that the applicant himself is a victim, having also invested his own funds through co-accused Mohib in the same Forex trading business, thereby rendering him an aggrieved party rather than a conspirator; that the offence under Section 420 PPC is bailable, and Section 489-F P.P.C., does not fall within the prohibitory clause of Section 497 Cr.P.C.; and that, in any case, the matter calls for further inquiry within the meaning of Section 497(2) Cr.P.C., therefore, the applicant is entitled to the concession of bail.

4. Conversely, learned A.P.G. Sindh, opposed the bail application and supported the impugned order on the ground that prima facie involved in a case as the person who introduced and advised the complainant to invest cannot be discounted.

5. Heard. Record perused.

6. Perusal of the record reflects that the applicant is not a witness to the agreements executed between the complainant and the co-accused, namely Imran UI Haq and Mohib, nor is he the drawer of the dishonoured cheque, which was issued exclusively by co-accused Imran UI Haq. His implication rests solely on the allegation that the complainant invested her amount on his advice, while the record further shows that the complainant had been receiving profits on the said investment for about eight to ten months. Whether, in the absence of any documentary nexus or direct participation in the transaction, such allegation is sufficient to attract criminal liability under Sections 420 or 489-F PPC is a question which requires determination after recording of evidence. It has also been brought on record that the present applicant is himself a victim and investor who had entrusted money to co-accused Mohib for the same trading enterprise. In these circumstances, the role attributed to the applicant cannot be conclusively determined at this stage; thus, the ingredients of Sections 420 and 489-F PPC prima facie do not appear to be attracted to his case, and the prosecution case against him calls for further inquiry within the meaning of Section 497(2) Cr.P.C. When the case calls for further inquiry into guilt of accused within the meaning of Section 497(2) Cr.P.C., the accused is entitled to bail as of right. Reliance is placed on the case of **Salman**

***Mushtaq & others v. The State through P.G Punjab and another (2024 SCMR 14).***

6.....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 offences alleged do not fall within the prohibitory clause of Section 497 Cr.P.C. The principle laid down by the Hon'ble Supreme Court of Pakistan in cases reported as Tariq Bashir and 5 others v. The State (PLD 1995 SC 34) is that in offences not falling within the prohibitory clause, grant of bail is a rule and refusal an exception, particularly when no exceptional circumstances are pointed out by the prosecution.

8. In view of above facts and circumstances, the learned counsel for applicant has succeeded to make out this case for further inquiry as envisaged under section 497 (2) Cr.P.C. Consequently, the instant Bail Application is allowed, and the interim pre-arrest bail granted to the applicant, Muhammad Adnan Tasleem, vide order dated 26.01.2026, is confirmed on the same terms and conditions. These are the reasons for my short order dated 24.03.2026.

9. The observations made herein are tentative in nature and shall not prejudice either party at trial.

**JUDGE**