

IN THE HIGH COURT OF SINDH AT KARACHI

Criminal Bail Application No. 2750 of 2025

Applicant: Shehroz Alam through M/s Omar Memon, Jawad Tasneem Raza and Muhammad Rizwan, Advocates.

Complainant: Syed Abbas Shah through Mr. Abbas Ali Sahar, Advocate.

Respondent: The State through Ms. Rubina Qadir, A.P.G.

Date of hearing: 11.02.2026

Date of order: 11.02.2026.

ORDER

TASNEEM SULTANA, J : - Through this Criminal Bail Application, applicant Shehroz Alam seeks pre-arrest bail arising out of Crime FIR No.608 of 2024 registered under Section 489-F PPC at Police Station Preedy, Karachi. Having been rejected his earlier bail application No. 3508 of 2025 passed by learned Additional Sessions Judge-XI, Karachi South vide order dated 09.10.2025, hence this application for the same concession.

2. Brief facts of the prosecution case are that the complainant, namely Syed Abbas Shah, is engaged in the business of CCTV cameras under the name *Novey City Cables* at Saddar, Karachi, and had business dealings with the applicant/accused, Shehroz Alam, since 2018. It is alleged that the applicant purchased CCTV cameras and related accessories amounting to approximately Rs. 1,100,000/-, and in discharge of the said liability issued cheque No. 79861977 drawn on Meezan Bank for Rs. 1,000,000/- in favour of the complainant, which upon presentation on 17.07.2024 at Bank Islami, Preedy Street Branch, was dishonoured. Thereafter, despite demands and assurances, the applicant failed to make payment and allegedly extended threats to the complainant, leading to registration of the instant FIR.

3. The learned counsel for the applicant contended that the applicant has been falsely implicated in the present case with mala fide intention, as he has not issued any cheque as alleged by the complainant and has categorically denied the same by raising a plea of forgery; that the cheque and invoice relied upon by the complainant are forged and fabricated and their authenticity can only be determined after recording of evidence at trial;

that the alleged invoice is dated on a public holiday (10th Moharram), making the prosecution story inherently doubtful; that the matter is purely of civil nature arising out of business dealings, for which the complainant has already filed a summary suit for recovery which is pending adjudication before a competent court of law; that the FIR has been lodged with considerable and unexplained delay, as the cheque was dishonoured on 17.07.2024 and the last alleged meeting took place on 28.08.2024, whereas the FIR was registered on 11.10.2024, thereby creating serious doubt in the prosecution case; that the offence under Section 489-F PPC does not fall within the prohibitory clause of Section 497 Cr.P.C., therefore, grant of bail is a rule and refusal is an exception; and that in view of the disputed nature of the allegations, the case of the applicant calls for further enquiry within the meaning of Section 497(2) Cr.P.C., hence he prayed for grant of bail.

4. Conversely, the learned D.P.G., assisted by learned counsel for the complainant, opposed the grant of bail and contended that the applicant is nominated in the FIR and attributed a specific role; that he issued the cheque in question, which upon presentation was dishonoured, and despite demands failed to discharge his liability; that the material available on record, particularly the documentary evidence including the cheque and invoice, prima facie establishes the involvement of the applicant in the commission of the alleged offence; that the defence taken by the applicant is an afterthought and has been raised merely to evade criminal liability and does not create any doubt at this stage; that no mala fide has been attributed to the complainant for false implication; and that no case for grant of bail is made out, therefore the instant application is liable to be dismissed.

5. Heard. Record perused.

6. Perusal of the record reflects that the prosecution case arises out of a transaction between the parties, the nature and extent whereof appear to be disputed. The applicant has categorically denied issuance of the cheque in question and has taken a specific plea that the same is forged and fabricated, further asserting that the cheque has been misused, as according to him, it had gone missing from his tool bag while it was lying unattended at the complainant's shop. It is also his stance that the dealings between the parties, extending over a considerable period, were predominantly conducted on a cash basis or short-term credit, and that he has never engaged in any transaction of such magnitude as would justify issuance of a cheque amounting to PKR 1,000,000/-. He has further disputed the genuineness of the invoice relied upon by the complainant on the ground that it is dated 16.07.2024, which corresponded to the 10th of

Muharram, a public holiday, and that the same does not reflect complete particulars of the alleged transaction.

7. In these circumstances, the question as to whether the cheque was in fact issued by the applicant, and whether it was issued towards discharge of a legally enforceable obligation with dishonest intention, or otherwise, is a matter which requires determination after recording of evidence at trial. The record further reflects that the complainant has already invoked civil jurisdiction for recovery of the alleged amount, which prima facie indicates that the dispute is interlinked with a civil liability. Moreover, at this stage, no independent corroboration is available beyond the material placed on record.

8. Mere dishonour of a cheque does not constitute an offence under Section 489-F P.P.C., unless it is shown that the same was issued dishonestly for discharge of a liability, and that such ingredients are to be established at trial, in the circumstances, the present case calls for further inquiry within the meaning of Section 497(2) Cr.P.C. When a case calls for further inquiry into the guilt of the accused, the accused is entitled to bail as of right. Reliance is placed on the case of **Salman Mushtaq & others v. The State (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 evidence produced in support of the indictment creates some doubt as to the veracity of the prosecution case. Therefore, when, 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. ...”

9. 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 case 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.

10. 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, Shehroz Alam, vide order dated 10.10.2025, is confirmed on the

same terms and conditions. These are the reasons for my short order dated 11.02.2026.

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

JUDGE

Nadeem