

**IN THE HIGH COURT OF SINDH KARACHI**  
**Cr. Bail Application No.210 of 2026**

Applicant : Muhammad Ali Faiz s/o Ghulam Hussain  
Afsar  
Through Mr. Musharraf Azhar , Advocate

Complainant : Syed Zaki Hussain Zaidi  
Through Mr. Muhammad Mushtaq Qadri,  
Advocate

Respondent : The State  
Through Mr. Zahoor Ahmed Shah, APG

Date of hearing : 04.05.2026  
Date of order : 04.05.2026

**ORDER**

**MIRAN MUHAMMAD SHAH, J:-** Through this bail application the applicant Muhammad Ali Faiz, seeks pre-arrest bail in Crime No.388 of 2025, registered at Police Station Saudabad, under section 489-F, PPC,. Earlier his bail application was dismissed by the learned Additional Sessions Judge-XIII, Karachi East, vide order dated 10.01.20206. He was admitted to interim pre-arrest bail by this court, vide order dated 22.01.2026, and the matter is now fixed for confirmation of the same or otherwise.

2. The facts of the case are need not to be reproduce herein, as the copy of FIR is attached with the bail application and the facts are also stated in detail therein.

3. I have heard learned counsel for the applicant, learned counsel for the complainant as well as learned APG and perused the record.

4. Admittedly, the dispute between the parties appears to be of a purely civil nature, arising out of business dealings which also transpires from the contents of FIR that the parties have business of sale-purchase of rice. Moreover, the civil suits between the parties are also pending before the civil court. Prima facie, it seems that the complainant is attempting to give a criminal colour to a civil dispute for the purpose of recovery of an

alleged amount. It is an established principle of law that the offence under Section 489-F, P.P.C. does not fall within the prohibitory clause of Section 497, Cr.P.C. The Superior Courts, as well as the Benches of this Court, have consistently held that offences carrying punishment up to three years fall outside the ambit of the prohibitory clause; thus, in such cases the grant of bail is a rule and refusal is an exception. Furthermore, Section 489-F, P.P.C. is not intended to be used as a tool for recovery of money, but rather to determine criminal liability for the dishonest issuance of a cheque, which, upon proof, entails punishment with imprisonment, fine, or both. Such determination necessarily requires a deeper appreciation of evidence, which can only be undertaken at trial. The facts and circumstances of the case law cited by the learned counsel for the complainant are distinguishable to the facts and circumstances of this case, therefore, same is not applicable. There is nothing on record to suggest misuse of the concession of interim pre-arrest bail. In these circumstances, the applicant has succeeded in making out a case for confirmation of pre-arrest bail. Consequently, the interim pre-arrest bail already granted to the applicant on 22.01.2026, is hereby confirmed on the same terms and conditions.

5. Needless to mention here that the observation made herein above are tentative in nature and would not influence the trial court while deciding the case of the applicant on merits. However, in case the applicant misuses the concession of bail in any manner, the trial court shall be at liberty to cancel the same after giving him notice, in accordance with the law.

Criminal bail application stands disposed of.

**JUDGE**

