

IN THE HIGH COURT OF SINDH KARACHI
Cr. Bail Application No.364 of 2026

Applicant : Kamal Abdul Nasir s/o Humayoun Kamal
Through M/s Orangzeb and Ghulam Ali
Advocates

Complainant : Syed Shoaib Hussain
Through Mr. Azhar Jilani, Advocate

Respondent : The State
Through Ms. Seema ZaidiAPG

Date of hearing : 27.04.2026
Date of order : 27.04.2026

ORDER

MIRAN MUHAMMAD SHAH, J:- Through this bail application, the applicant Kamal Abdul Nasir s/o Humayoun Kamal, seeks pre-arrest bail in Crime No.87 of 2026, registered at Police Station Sachal, under section 489-F, PPC. Prior to this, the applicant had approached the Court of learned Additional Sessions Judge-VII, Malir Karachi, for the same relief which was declined, vide order dated 31.01.2026. He was admitted to interim pre-arrest bail by this court, vide order dated 03.02.2026, 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. At the very outset, learned APG states that the challan has not been submitted and verification of the applicant/accused's signatures has been ordered, which is the bone of contention between the parties as the counsel for the applicant denies the signatures on the subject cheque and agreement, whereas the counsel for the complainant claims that the signatures belong to the applicant. In this case, the dispute between the

parties appears to be of a purely civil nature, arising out of business dealings. 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. 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 03.02.2026, 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

