

IN THE HIGH COURT OF SINDH KARACHI
Cr. Bail Application No.471 of 2026

Applicant : Javed Illahi son of Umar Illahi
Through Mr. Amjad Ali Shabrani
Advocate

Complainant : Syed Ameenullah
Through Mr. Muhammad Dawood Jan,
Advocate

Respondent : The State
Through Ms. Robina, DPG

Date of hearing : 09.04.2026
Date of order : 09.04.2026

ORDER

MIRAN MUHAMMAD SHAH, J:- The applicant/accused Javed Illahi son of Umar Illahi, through the instant criminal bail application, seeks pre-arrest bail in Crime No.318 of 2025, registered under section 489-F, PPC, at Police Station Ferere, Karachi. Earlier he was granted pre-arrest bail but later on the same was cancelled vide order dated 28.01.2026, by the learned Additional Sessions Judge-V, Karachi South. He was admitted to interim pre-arrest bail by this court, vide order dated 12.02.2025, 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. Heard and record perused.

4. Admittedly, the dispute between the parties appears to be of a purely civil nature, arising out of business dealings relating to sale and purchase. 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, 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. It is also observed that alternative remedies are available to the complainant under civil law for recovery of the alleged amount. 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 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

