

IN THE HIGH COURT OF SINDH KARACHI
Cr. Bail Application No.803 of 2026

Applicant : Tehseen Ahmed s/o Qamruddin
Through Mr. Athif Hanif Kashmiri
Advocate

Complainant : Malik Ashfaq Ahmed s/o Mushtaq Ahmed
Through Mr. Kashif Nazir Baloch,
Advocate

Respondent : The State
Through Mr. Tahir Hussain Mangi, APG

Date of hearing : 06.04.2026
Date of order : 06.04.2026

ORDER

MIRAN MUHAMMAD SHAH, J:- Through this bail application, the applicant Tehseen Ahmed son of Qamruddin, seeks post-arrest bail in Crime No.726 of 2025, registered at Police Station Shahrah-e-Noor Jahan, under sections 489-F, PPC. Earlier his bail application was dismissed by the learned Additional Sessions Judge-I, Karachi Central, vide order dated 09.03.2026.

2. The facts of the case need not to be reproduce herein, as the copy of FIR is attached with the bail application and the facts are 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 amount in question was given for investment in business. Moreover, as per applicant the civil suit between the parties is 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. In these circumstances, the applicant successfully made out a case for the grant of post-arrest bail. Consequently, the instant bail application was allowed, and the applicant was admitted to post-arrest bail subject to furnishing solvent surety in the sum of Rs.100,000/- (Rupees One Hundred Thousand only) and P.R. bond in the like amount to the satisfaction of the learned trial Court, vide short order dated 06.04.2026. These are the reasons for the same.

5. Needless to mention here that the observations made herein above are tentative in nature and would not influence the trial court while deciding the case of the applicant on merits.

Criminal bail application stands disposed of.

JUDGE

