

IN THE HIGH COURT OF SINDH KARACHI
Cr. Bail Application No.2416 of 2025

Applicant : Sabir Ahmed s/o Ahmed
Through Mr. Muzammil Hussain Jalbani,
Advocate

Complainant : Muhammad Aslam
Through Mr. Sajid Mangi, Advocate

Respondent : The State
Through Mr. Zahoor Ahmed Shah,
Additional Prosecutor General Sindh

Date of hearing : 06.04.2026
Date of order : 06.04.2026

ORDER

MIRAN MUHAMMAD SHAH, J:- The applicant/accused Sabir Ahmed son of Ahmed, through the instant criminal bail application, seeks pre-arrest bail in Crime No.216 of 2025, registered under section 489-F, PPC, at Police Station Artillery Maidaan, Karachi, His earlier application for the same relief, bearing No.3184 of 2025, was dismissed, vide order dated 13.09.2025, by the learned Additional Sessions Judge-VI, Karachi South. He was admitted to interim pre-arrest bail by this court, vide order dated 17.09.2025, 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. Allegedly the applicant issued a cheque of Rs. 1.5 million to the complainant, which, upon presentation before the concerned bank, was dishonored; hence, the present FIR under Section 489-F, PPC was lodged

against the applicant. Admittedly, the offence under Section 489-F, PPC 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 do not fall within the prohibitory clause; and in such cases, bail is a rule and refusal is an exception. In the case reported as 2022 SCMR 592, the Honourable Supreme Court of Pakistan has categorically observed that, prima facie, Section 489-F, PPC is not intended by the Legislature to be used for recovery of an alleged amount, but rather to determine the guilt of a criminal act and to award sentence, fine, or both, as provided under the said provision. Similarly, in the case reported as PLD 2026 Supreme Court 75, the Honourable Supreme Court has observed that dishonestly issuing a cheque is punishable with imprisonment up to three years under Section 489-F, PPC, and that such matters require rigorous examination. It has further been held that alternative remedies are available under civil law, including a claim for compensation under Section 73 of the Contract Act, 1872, and a suit for recovery under the Civil Procedure Code, 1908. Thus, Section 489-F, PPC is intended to act as a safeguard against fraud rather than as a blade to enforce civil recovery. The case has already been challaned, the applicant is no longer required for any investigation, and he is regularly attending the Court. In these circumstances, the applicant has succeeded in making out a case for confirmation of pre-arrest bail. Accordingly, 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

Suleman Khan/PA

