

IN THE HIGH COURT OF SINDH KARACHI
Cr. Bail Application No.3427 of 2025

Applicant : Umair Fayyaz son of Fayyaz Ahmed
Through M/s. Muhammad Musa Siddiqui
and Waheed Hussain, Advocates

Complainant : Suhail Pervaiz Qureshi, in person

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

Date of hearing : 13.04.2026
Date of order : 13.04.2026

ORDER

MIRAN MUHAMMAD SHAH, J:- Through captioned criminal bail application, applicant Umair Fayyaz son of Fayyaz Ahmed, seeks pre-arrest bail in Crime No.511 of 2025, registered at P.S Sukhan, Malir Karachi, for the offence punishable under Sections 489-F, PPC.

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. At the very outset, the complainant, present in person, submits that the applicant has directly approached this Court without first seeking relief from the learned Sessions Court. Learned counsel for the applicant contends that, as the complainant has served as a judicial officer in the same district and at present he is a practicing lawyer, therefore, there existed a reasonable apprehension that the applicant might be arrested under the complainant's influence; hence, under compelling circumstances, the applicant has directly invoked the jurisdiction of this Court. It has been observed by the superior Courts that, depending upon the facts and

compelling circumstances of each case, a person may directly approach the High Court by invoking its concurrent jurisdiction. In this regard, reliance is placed upon 2004 SCMR 1167.

5. 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 vide order dated 11.12.2025, is hereby confirmed on the same terms and conditions.

6. 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

