

# IN THE HIGH COURT OF SINDH AT KARACHI

## **Criminal Bail Application No.357 of 2026**

Applicant : Masood-ur-Rehman, Through:  
Mr. Muhammad Yousuf Narejo,  
advocate.

Complainant : Imran, Through: Mr. Yasir Suddozai,  
advocate

The State : The State: Through Ms. Seema Zaidi,  
Additional Prosecutor General,  
Sindh

Date of hearing : 12.03.2026

Date of Order : 12.03.2026

### ORDER

**Jan Ali Junejo, J:--** Through this Criminal Bail Application under Section 497 Cr.P.C., the applicant seeks post-arrest bail in a case arising out of FIR No. 514/2025, registered under Section 489-F PPC at Police Station Tipu Sultan, Karachi. The applicant is aggrieved by the order dated 13.12.2025, passed by the learned VIII Additional Sessions Judge, Karachi South, whereby his bail application was dismissed, subsequent to the earlier dismissal of Bail Application No. 110 of 2025 by the learned II Judicial Magistrate, Karachi South, vide order dated 19.11.2025.

2. As per the contents of the FIR, the complainant, a retired government servant, alleged that upon acquaintance, the applicant induced him to invest an amount of Rs.10,000,000/- in his business with an assurance of profit-sharing. Relying upon such representation, the complainant paid the said amount and executed an agreement with the applicant. Subsequently, the applicant neither

returned the invested amount nor paid any profit. After repeated demands, the applicant issued a cheque of Rs.10,000,000/- drawn on Faysal Bank Limited, which upon presentation by the complainant in Meezan Bank Limited on 22.04.2024 was dishonoured. Hence, the present FIR was lodged under Section 489-F PPC.

3. Learned counsel for the applicant contended that the applicant is innocent and has been falsely implicated with mala fide intentions. He argued that the cheque in question was issued merely as a security instrument and has been misused by the complainant. He further submitted that the matter essentially pertains to a civil dispute arising out of a business transaction, which has been given a criminal colour. It was also argued that there is unexplained delay in lodging the FIR, creating doubt in the prosecution story. Learned counsel emphasized that the offence does not fall within the prohibitory clause of Section 497 Cr.P.C., therefore bail is a rule and refusal an exception. He further contended that the case calls for further inquiry within the meaning of Section 497(2) Cr.P.C., and relied upon various judgments of the Hon'ble Supreme Court of Pakistan in support of his submissions. Lastly, he prayed that the applicant be admitted to bail.

4. Conversely, learned counsel for the complainant opposed the grant of bail and submitted that the applicant has committed serious fraud by dishonestly inducing the complainant to part with a huge amount of Rs.10,000,000/-. He argued that the applicant issued the cheque knowing fully well that it would be dishonoured, which clearly attracts the offence under Section 489-F PPC. He further

contended that the applicant has caused substantial financial loss to the complainant and the case is supported by documentary evidence, including the dishonoured cheque. He therefore prayed that the bail application be dismissed.

5. Learned Additional Prosecutor General, Sindh, while adopting the arguments advanced by the complainant's counsel, contended that sufficient material is available on record connecting the applicant with the commission of the alleged offence. She argued that the dishonoured cheque and bank memo prima facie establish the culpability of the applicant. She further submitted that the applicant's conduct does not entitle him to the concession of bail and prayed for dismissal of the bail application.

6. I have heard learned counsel for the parties and perused the available record with their assistance. At the outset, it is an admitted position that the offence alleged against the applicant under Section 489-F PPC does not fall within the prohibitory clause of Section 497(1) Cr.P.C. It is a settled principle of law that in cases falling outside the prohibitory clause, the grant of bail is a rule and refusal is an exception, unless exceptional circumstances are shown. Tentative assessment of the record reflects that the dispute between the parties arises out of a business transaction involving investment and profit-sharing. The existence of an agreement between the parties prima facie indicates that the matter has predominant elements of a civil dispute. Whether the cheque was issued towards discharge of a legally enforceable liability or merely as a security instrument is a question which requires deeper appreciation of

evidence and can only be determined at trial. So far as the allegation of dishonest intention is concerned, the same is to be established through evidence during trial. At this stage, no conclusive finding can be recorded. The plea of the applicant that the cheque was issued as security and has been misused by the complainant cannot be brushed aside without recording evidence. In case where bail was granted in an offence under Section 489-F, P.P.C. i.e., *Ali Anwar Paracha v. The State and another (2024 SCMR 1596)*, the Honourable Supreme Court of Pakistan held that: *"In this view of the matter, the question whether the cheque was issued towards fulfilment of an obligation within the meaning of section 489-F, P.P.C. is a question, which would be resolved by the learned Trial Court after recording of evidence. The petitioner is behind the bars since his arrest. The maximum punishment provided under the statute for the offence under section 489-F, P.P.C. is three years and the same does not fall within the prohibitory clause of section 497, Cr.P.C. It is settled law that grant of bail in the offences not falling within the prohibitory clause is a rule and refusal is an exception"*. In another similar offence under Section 489-F, P.P.C., in the case of *Muhammad Anwar v. The State and another (2024 SCMR 1567)*, the Honourable Supreme Court of Pakistan was pleased to grant bail by observing that: *"In view of the above, the question whether the cheques were issued towards repayment of loan or fulfillment of an obligation within the meaning of Section 489-F, P.P.C. is a question, which would be resolved by the learned Trial Court after recording of evidence. The maximum punishment provided under the statute for the offence under Section 489-F, P.P.C. is three years and the same does not fall within the*

*prohibitory clause of Section 497, Cr.P.C. It is settled law that grant of bail in the offences not falling within the prohibitory clause is a rule and refusal is an exception”.*

7. The delay in lodging the FIR, though explained by the prosecution, is also a factor which tentatively requires consideration at this stage and adds to the element of further inquiry. Moreover, the entire case of the prosecution is based upon documentary evidence, which is already in custody of the prosecution, and there appears no likelihood of tampering with the same by the applicant. No material has been placed on record to show that he is a previous convict or that he would abscond or misuse the concession of bail. In the circumstances, the case of the applicant appears to fall within the ambit of “further inquiry” as envisaged under Section 497(2) Cr.P.C.

8. For the foregoing reasons, this bail application is allowed. The applicant, namely Masood-ur-Rehman son of Badarul Islam, is admitted to bail subject to his furnishing solvent surety in the sum of Rs.200,000/- (Rupees Two Hundred Thousand only) and a P.R. bond in the like amount to the satisfaction of the learned trial Court. It is, however, clarified that all observations hereinabove are purely tentative and confined to the adjudication of the present bail application. Nothing stated in this Order shall be construed as an opinion on the merits of the case, and the trial Court shall proceed independently, uninfluenced by any observations contained herein. These are the detailed reasons for the short order dated 12.03.2026.

**JUDGE**