

IN THE HIGH COURT OF SINDH AT KARACHI

Criminal Bail Application No.143 of 2026

Applicant : Waqas, Through: Mr.
Ahmed Hussain Jokhio, Advocate.

Complainant : Mst. Naseem, in person.

The State : The State: Through: Mr. Mumtaz Ali,
Shah Assistant Prosecutor General,
Sindh

Date of hearing : 18.03.2026

Date of Order : 18.03.2026

ORDER

Jan Ali Junejo, J:-- By this order, I intend to dispose of the instant post-arrest bail application filed on behalf of the applicant/accused Waqas s/o Ashraf in connection with FIR No.510 of 2025, registered at Police Station Saeedabad, Karachi, for the offence punishable under Section 489-F PPC.

2. As per contents of the FIR, it is alleged that on 05.10.2025, complainant Mst. Naseem appeared before the police and stated that she had sold her house bearing No.576, Sector 14-C, Saeedabad, Karachi, to the applicant for a total sale consideration of Rs.36,00,000/-. Out of the said amount, the applicant allegedly paid part consideration through three cheques amounting to Rs.27,00,000/-. Upon presentation of the said cheques in the bank, the same were dishonoured due to insufficient funds. It is further alleged that upon demand, the applicant refused to make payment and also extended threats, whereafter the present FIR was lodged.

3. Learned counsel for the applicant contended that the applicant is innocent and has been falsely implicated in the present case. He argued that there is an unexplained delay of about one month in lodging the FIR, which creates serious doubt in the prosecution story. He further submitted that the matter essentially pertains to a civil dispute arising out of a property transaction and the ingredients of Section 489-F PPC are not attracted. It was also contended that the case does not fall within the prohibitory clause of Section 497 Cr.P.C., investigation has already been completed, and the applicant is no longer required for custodial interrogation. He lastly prayed that the case calls for further inquiry under Section 497(2) Cr.P.C., therefore, the applicant be admitted to bail.

4. Conversely, learned Assistant Prosecutor General opposed the grant of bail and contended that the applicant had issued cheques which were dishonoured upon presentation, thereby attracting the provisions of Section 489-F PPC. He further argued that earlier bail applications of the applicant were dismissed by the learned courts below and no fresh grounds have been brought on record. He maintained that there is sufficient material connecting the applicant with the commission of offence; therefore, the applicant does not deserve the concession of bail and the application is liable to be dismissed.

5. The complainant, present in person, supported the stance taken by the prosecution and contended that the applicant had dishonestly induced her to sell her property and issued cheques which were subsequently dishonoured. She further submitted that

the applicant failed to fulfill his financial obligation and has caused her serious financial loss. She prayed that bail application be dismissed.

6. I have heard learned counsel for the parties as well as the complainant and have gone through the available record with their able assistance. At the outset, it is noted that the allegation against the applicant revolves around dishonour of cheques issued in connection with a sale transaction of immovable property. Prima facie, the dispute appears to have arisen out of a contractual obligation between the parties. The question as to whether the cheques were issued with dishonest intention at the time of transaction or not, requires deeper appreciation of evidence, which can only be undertaken at trial. It is further observed that there is a delay of about one month in lodging the FIR, for which no plausible explanation has been furnished by the prosecution. Such delay, at this stage, prima facie creates doubt and calls for further inquiry within the meaning of Section 497(2) Cr.P.C. Moreover, the offence alleged does not fall within the prohibitory clause of Section 497 Cr.P.C. The investigation has already been completed and challan has been submitted before the trial Court; thus, no useful purpose would be served by keeping the applicant behind bars for an indefinite period. 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 earlier dismissal of bail applications by the courts below has also been considered; however, the same does not create an absolute bar, particularly when the case requires further inquiry on tentative assessment of the material available on record. Without delving deeper into the prosecution evidence, and keeping in view the overall circumstances, including the nature of allegations, delay in FIR, and the fact that the matter appears to have civil nature, I am

of the tentative view that the applicant has made out a case for grant of bail.

8. For the foregoing reasons, the instant bail application is allowed. The applicant/accused Waqas S/o. Ashraf is admitted to bail subject to furnishing solvent surety in the sum of Rs.200,000/- (Rupees Two Hundred Thousand only) and a personal recognizance 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 18.03.2026.

JUDGE