

IN THE HIGH COURT OF SINDH AT KARACHI

Criminal Bail Application No.481 of 2026

Applicant : Taj Muhammad, Through: Mr. Jawed Anwar, Advocate.

Complainant : Jahangir, Through: Mr. Dildar Khan Jahangiri, advocate.

The State : The State: Through: Ms. Amna Ansari, Additional Prosecutor General, Sindh

Date of hearing : 09.03.2026

Date of Order : 09.03.2026

ORDER

Jan Ali Junejo, J:-- Through this order, I intend to decide the instant bail application filed under Section 497 Cr.P.C. by the applicant/accused Taj Muhammad, who seeks post-arrest bail in case FIR No. 997/2025, registered under Section 489-F PPC at Police Station Shah Latif Town, Malir, after dismissal of his bail application by the learned trial Court vide orders dated 29.10.2025 and 18.11.2025.

2. As per the prosecution case reflected in the FIR, the complainant alleged that in September 2024, he paid an amount of Rs. 3,700,000/- to the applicant for the purchase of a computerized rice-cutting machine. After a lapse of few months, the applicant failed to purchase the machine and, upon demand, issued a cheque dated 20.03.2025 for the said amount. The cheque, when presented, was dishonoured on 19.06.2025 due to closure of the applicant's bank account. It is further alleged that the applicant avoided repayment on various pretexts, compelling the complainant to

initiate legal proceedings, culminating in registration of the present FIR under Section 489-F PPC.

3. Learned counsel for the applicant contended that the applicant is innocent and has been falsely implicated due to mala fide and ulterior motives, arising out of a family dispute. He argued that the complainant is related to the applicant and, due to previous litigation involving the applicant's nephew (FIR under Section 365-B PPC), the present FIR has been lodged as a counterblast. He further submitted that the cheque in question was never issued by the applicant and was allegedly stolen by the complainant during his frequent visits. It was also argued that there is an unexplained delay of about 21 days in lodging the FIR, which creates doubt. Learned counsel emphasized that the offence under Section 489-F PPC does not fall within the prohibitory clause, punishment being up to three years, and the case calls for further inquiry within the meaning of Section 497(2) Cr.P.C. Lastly, he submitted that the investigation has been completed, no recovery is required, and the applicant is ready to furnish surety; thus, he prayed for grant of bail.

4. Conversely, learned counsel for the complainant vehemently opposed the bail application and submitted that the applicant is specifically nominated in the FIR with a clear role of receiving a huge amount and issuing a dishonoured cheque in repayment thereof. He argued that the cheque was dishonoured due to closure of account, which prima facie establishes dishonest intention. He further contended that the applicant is a habitual offender and is involved in similar cases of like nature, which disentitles him from

the concession of bail. It was also argued that the defence plea regarding family dispute and alleged theft of cheque is an afterthought and requires trial. He, therefore, prayed for dismissal of the bail application.

5. Learned DPG, adopting the arguments advanced by learned counsel for the complainant, submitted that sufficient material is available on record connecting the applicant with the commission of the alleged offence. She argued that the dishonoured cheque coupled with bank memo substantiates the prosecution case. It was further contended that mere fact that the offence does not fall within the prohibitory clause is not by itself sufficient for grant of bail, particularly when the accused appears to be involved in similar offences. She, therefore, prayed for dismissal of the bail application.

6. I have heard learned counsel for the parties at considerable length and have perused the available record with their able assistance. At the outset, it is an admitted position that the offence alleged against the applicant falls under Section 489-F PPC, which carries punishment up to three years and does not fall within the prohibitory clause of Section 497 Cr.P.C. Although grant of bail in such offences is not automatic, yet the settled principle of law is that in cases not falling within the prohibitory clause, bail is to be granted as a rule and refusal is an exception, subject to peculiar facts and circumstances of each case. A tentative assessment of the material on record reflects that the case primarily revolves around a monetary dispute between parties having close relations. The plea taken by the applicant regarding prior family dispute and previous

litigation between the parties cannot be brushed aside at this stage and requires deeper appreciation of evidence, which is the domain of trial.

7. Furthermore, the contention of the applicant regarding delay of about 21 days in lodging the FIR, though explained by the prosecution, still constitutes a circumstance which may require further probe during trial. Likewise, the question whether the cheque was issued towards a legally enforceable liability or otherwise involves factual determination. It is also significant that the investigation has already been completed and nothing has been shown which requires further custody of the applicant. The entire case is based upon documentary evidence, which is already in possession of the prosecution. As regards the alleged previous involvement of the applicant in other cases, the same alone cannot be made basis for refusal of bail in the present case without a deeper examination of such allegations, which again is a matter for trial. In the circumstances and keeping in view the principle of further inquiry as envisaged under Section 497(2) Cr.P.C., I am of the tentative view that the applicant has made out a case for grant of bail. 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".*

8. For the foregoing reasons, the instant bail application is allowed. The applicant/accused Taj Muhammad is admitted to post-arrest bail in the sum of Rs. 200,000/- (Rupees Two Lac only) with PR 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 09.03.2026.

JUDGE