

IN THE HIGH COURT OF SINDH AT KARACHI

Criminal Bail Application No. 906/2026

Applicant : Arshad Majeed son of Majeed Khan
Through Mr. Z.U Mujahid & Muhammad
Zaheer, Advocates

Complainant : Muhammad Ameen
Through Mr. M. Asif Qureshi, Advocate

Respondent : The State
Through Mr. Muhammad Mohsin Mangi, APG

Date of hearing : 18-05-2026

Date of order : 18-05-2026

ORDER

KHALID HUSSAIN SHAHANI, J. – The instant bail application under Section 498 Cr.P.C. has been moved before this Court by the applicant/accused Arshad Majeed s/o Majeed Khan seeking confirmation of his pre-arrest bail in connection with FIR No. 435/2019 registered at Police Station Aram Bagh, Karachi South, under Sections 489-F/34 PPC. The applicant had obtained ad-interim pre-arrest bail through Bail Application No. 346/2026 filed before the trial Court, and that interim bail having been vacated and his application dismissed by the learned Sessions Court vide order dated 10.03.2026, he now seeks confirmation before this Court.

2. The facts giving rise to this FIR, as recorded in FIR No. 435/2019 lodged on 02.12.2019, are that the same complainant Muhammad Ameen, running his business under the name Master TEC, has, in this instance, claimed that Mustafa Majeed, Director of Karwan Sabri International, and his brother Arshad Majeed, who was serving as manager, both obtained 300 tickets from him in December 2018 amounting to Rs. 2.5 crore, and that Mustafa Majeed issued Cheque No. 115650327 dated 20.02.2019 for Rs. 40 lakh drawn on Habib Metropolitan Bank, which was dishonoured on 19.07.2019 due to insufficient funds.

3. Learned counsel for the applicant/accused advanced essentially the same submissions as in Bail Application No. 906 of 2026, with the additional emphasis that the present FIR adds the charge of Section 34 PPC (common intention), yet the FIR itself does not disclose any meeting of minds or joint act between the applicant and Mustafa Majeed that could attract the provisions of Section 34 PPC. He argued that the inclusion of Section 34 PPC is a device to give the prosecution a wider net to implicate the applicant despite there being no specific or independent act attributed to him in the body of the FIR. He further highlighted that Cheque No. 115650327, the subject matter of this FIR, is the cheque of Mustafa Majeed, not the applicant, and that the applicant is again neither the account holder nor the signatory of this cheque, as evidenced by the bank's own certificates brought on record. He pointed out that the complainant has filed a civil suit, namely Suit No. 344/2020, before the XV Senior Civil Judge, Karachi South, about the same business dispute, and separately Suit No. 345/2020 before the XXIII Civil Judge, Karachi South, for cancellation of the very cheques that form the subject matter of this FIR, a fact that unambiguously establishes the essentially civil nature of the underlying controversy. He stressed that the co-accused Mustafa Majeed has been granted bail in this very FIR No. 435/2019 by the learned VIII Judicial Magistrate, Karachi South, vide order dated 08.04.2026, and parity of treatment demands extension of the same relief to the present applicant. He relied upon the same case laws as in Bail Application No. 906 of 2026, including 2025 P.Cr.L.J. 98, 2023 SCMR 748, 2024 SCMR 1567, 2025 MLD 1720, 2025 YLR 1016, 2024 YLR 1144, and PLD 2022 SC 764.

4. Learned counsel for the complainant opposed the bail on grounds substantially identical to those urged in Bail Application No. 906 of 2026. He reiterated the blacklisting order of the Ministry of Religious Affairs and Interfaith Harmony, the fact of the applicant having been a proclaimed offender, and the serious nature of the allegations. He relied on 2011 MLD 311, 2011 YLR 863, 2021 PLD 903, 2021 P.Cr.L.J. 886, 2025 P.Cr.L.J. 602, 2011 P.Cr.L.J. 747, and 2008 YLR 1563. He also placed on record a list of FIRs registered not only by the complainant but also by IATA, Hajj and Umrah pilgrims, and general public against the applicant and his family, seeking to demonstrate a systemic pattern of fraudulent conduct.

Additionally, he submitted interrogative statements of the accused recorded before the police.

5. This Court has considered these submissions with great deliberation. As in the connected Bail Application No. 906 of 2026, it is imperative to first examine whether the backdrop of this litigation reveals genuine criminality or a pattern of commercial hostility channelled through the criminal justice system. The pattern here is even more stark: the present FIR (No. 435/2019 of P.S. Aram Bagh, lodged on 02.12.2019) was registered a mere fifty days after FIR No. 324/2019 (P.S. Nabi Bux, lodged on 12.10.2019), and both emerge from the same pool of 300 air tickets and the same alleged non-payment. The complainant's resort to multiple police stations in rapid succession, in respect of the same underlying transaction, is precisely the conduct condemned by the Supreme Court in 2025 MLD 1720 as amounting to nothing but malice, incapacitating the accused from obtaining bail and compelling him to furnish sureties time and again. The identical principle appears in 2025 YLR 1016. This Court therefore records, at the threshold of its deliberation, that the multiplicity of FIRs arising from a single commercial dispute does not enhance the credibility of the prosecution, it diminishes it.

6. On the merits, the critical question is whether the applicant can be said, even tentatively, to have dishonestly issued the cheque that forms the subject of this FIR. Section 489-F PPC requires the element of issuance, the act of putting the cheque into circulation dishonestly by the person charged. Cheque No. 115650327 is the cheque of Mustafa Majeed; the applicant is charged under Section 34 PPC on the theory of common intention. The doctrine of common intention under Section 34 PPC requires a pre-arranged plan and active participation in that plan. At this stage, the FIR discloses no independent act of the present applicant, no signing, no delivery, no negotiation of the cheque, that could, even by the most generous reading, constitute his participation in the issuance of that cheque. The case law cited by the complainant's counsel, including 2011 MLD 311 (Lahore), 2011 YLR 863 (Lahore), 2021 PLD 903, 2021 P.Cr.L.J. 886, 2011 P.Cr.L.J. 747, and 2008 YLR 1563, proceeds primarily upon fact-specific scenarios involving accused persons directly implicated in financial misconduct or who had misused the concession of bail. Those

cases are distinguishable from the present matter in a material respect: in each of those reported decisions, the accused had either been directly connected with the commission of the offence or had demonstrated a propensity to evade justice. In the present case, the applicant has voluntarily surrendered, joined the investigation, and the record supports his claim that his prior absence was occasioned by documented and serious medical conditions, including cardiac failure with severely reduced ejection fraction and diabetic complications. The case of 2025 P.Cr.L.J. 602 relied upon by the complainant's counsel must also be viewed in the same factual context as the cases above; it does not lay down an absolute bar against bail for former proclaimed offenders in all circumstances, for such an absolute rule would render the humane and remedial provisions of the first proviso to Section 497(1) Cr.P.C. and the jurisprudence in PLD 2022 SC 764 entirely otiose.

7. Consistent with the approach adopted in Bail Application No. 906 of 2026, this Court further notes that the "A" Class final report in FIR No. 959/2019, which arose from the same transactions, is a significant circumstance establishing that even the investigating police found insufficient evidence to prosecute. The civil litigation pending between the parties, particularly the complainant's own Suit No. 345/2020 before the XXIII Civil Judge for cancellation of the very cheques that form the subject of this criminal proceeding, is a powerful indicator that the complainant himself acknowledges the civil character of the dispute even while pursuing criminal remedies, a position that is fundamentally inconsistent. As held in 2024 SCMR 1567, it is constitutionally preferable to err in granting bail than in refusing it, for the ultimate machinery of criminal justice, trial and conviction, can rectify the former error, but no remedy is available for the unjust deprivation of liberty pending trial. On all the grounds catalogued above, and for the reasons fully elaborated in the order passed in Bail Application No. 906 of 2026, which are adopted herein by reference, this Court finds that the applicant/accused has made out a case of further inquiry within the meaning of Section 497(2) Cr.P.C. and is entitled to the confirmation of his pre-arrest bail.

8. The pre-arrest bail of the applicant/accused Arshad Majeed in connection with FIR No. 435/2019 of P.S. Aram Bagh is accordingly

confirmed under same terms and conditions. The applicant/accused shall appear before the learned trial Court on each and every date fixed for hearing without fail. In the event of breach of any condition hereof, the bail shall be liable to cancellation. It is clarified that the observations made hereinabove are entirely tentative in nature, confined exclusively to the purposes of this bail order, and shall not prejudice or influence the learned trial Court in its adjudication of the case on its merits.

J U D G E