

IN THE HIGH COURT OF SINDH AT KARACHI

Criminal Bail Application No. 908/2026

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 applicant Arshad Majeed s/o Majeed Khan approaches this Court under Section 498 Cr.P.C. seeking confirmation or otherwise of the pre-arrest bail that was granted to him on an ad-interim basis, after his application for the same relief was dismissed by the learned III Additional District and Sessions Judge, Karachi South, vide order dated 10.03.2026. The subject FIR is No. 324/2019 registered at Police Station Nabi Bux, Karachi South, under Section 489-F PPC. It merits mention at the outset that the applicant had earlier been granted bail in this very matter by the learned Judicial Magistrate XI, Karachi South, vide order dated 30.10.2019, but due to the acute deterioration of his health, compounded by cancer in his left eye and cardiac complications of a serious nature, he could not attend the proceedings before the learned trial Court, consequent upon which his surety was forfeited and he was declared a proclaimed offender vide order dated 26.12.2019. He now presents himself voluntarily before this Court, placing himself entirely at its mercy, and has also joined the investigation and trial before the learned trial Court.

2. According to the prosecution's version as reflected in the FIR, the complainant Muhammad Ameen, who runs a travel ticket business under the name Master TEC, was acquainted with Mustafa Majeed, Director of Karwan Sabri International/Sabri Travel & Tours (Pvt.) Ltd., and his brother, the present applicant Arshad Majeed, CEO of MB Travels,

Bahadurabad, Karachi. The complainant claims to have arranged 300 air tickets for them through various agents, resulting in an outstanding amount of Rs. 2.5 crore against them as of November 2018. He alleges that these tickets were booked by Sabir Majeed, another brother of the applicant through his IATA ID, and that upon his visiting their residence after Eid-ul-Fitr, the applicant tendered Cheque No. 115650328, dated 19.07.2019, drawn on Habib Metropolitan Bank for Rs. 40 lakh, which upon presentation at Meezan Bank Limited, Plaza Quarters Branch, was dishonoured on 19.07.2019 due to insufficient funds. The FIR in the present matter was lodged on 12.10.2019.

3. Learned counsel for the applicant contended with considerable force that the applicant has been falsely implicated in the present case arising out of a purely commercial dispute. He argued that the FIR itself demonstrates an internal contradiction, the complainant's own version establishes that all relevant transactions were carried out through Sabir Majeed using his IATA ID, and that the cheque alleged to have been dishonoured stands in the name of Karwan-e-Sabri's account, of which the applicant is neither the account holder nor a signatory, a position conclusively confirmed by the certificates of the bank brought on record. He argued that where the applicant is neither the issuer nor the account holder of the dishonoured cheque, the essential ingredients of Section 489-F PPC are simply not attracted against him. He drew the Court's attention to the fact that the complainant, in a palpable attempt to exert maximum legal pressure, lodged no fewer than four separate FIRs in respect of the same pattern of transactions at four different police stations within a short span of time, including FIR No. 324/2019 (P.S. Nabi Bux), FIR No. 959/2019 (P.S. Shahrah-e-Faisal), FIR No. 435/2019 (P.S. Aram Bagh), and FIR No. 754/2020 (P.S. Preedy), which in itself is a hallmark of mala fide and an abuse of the process of law. He further pointed out that in one of these very FIRs, namely FIR No. 959/2019 of P.S. Shahrah-e-Faisal, the police submitted a final report under "A" Class at the investigation stage on the specific ground that the complainant failed to produce any evidence whatsoever. He also placed extensive documentary record before the Court, including official certificates from SECP and the IATA NOC, to establish that his company, MMB Travels, is a separate and independent legal entity with no connection to Karwan-e-Sabri or Sabri

Travels and Tours (Pvt.) Ltd. He further highlighted that the complainant's own civil suit No. 344/2020, pending before the XV Senior Civil Judge, Karachi South, reveals yet another layer of inconsistency: in that suit the complainant claims to hold 20,300 shares in the very company that he accuses the applicant of defrauding, and has even filed a compromise application with Shah Faridul Haq, the actual stakeholder of that company, a conduct irreconcilable with the narrative presented in the FIR. The learned counsel also placed on record the acquittal orders/compromise orders passed in Cases No. 192/2021, 217/2021, and 6965/2020, in which the complainants voluntarily compounded the offences against the applicant and his family members, which further exposes the underlying lack of genuine criminal intent. He relied upon 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, Mr. Muhammad Asif Qureshi, opposed the grant of bail by asserting that the offence under Section 489-F PPC is clearly made out inasmuch as the applicant had dishonestly presented a cheque that was dishonoured. He contended that Sabri Travels and Tours (Pvt.) Ltd. was permanently blacklisted by the Ministry of Religious Affairs and Interfaith Harmony Pakistan, vide Blacklisting Order No. 005/2019/KHI/Monitoring dated 12.10.2019, due to fraudulent practices and failure to fulfil obligations, which corroborates the prosecution's case. He further argued that the applicant had remained a proclaimed offender for years and that such prolonged evasion of the process of law disentitles him to the extraordinary concession of pre-arrest bail. He relied upon 2011 MLD 311 (Lahore), 2011 YLR 863 (Lahore), 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.

5. This Court has heard learned counsel for both sides at length, perused the record with care, and examined the case law cited at the Bar. Before proceeding to the merits, it is imperative, as a first and necessary exercise, to assess the nature of the relationship between the parties and the existence or otherwise of any previous animosity or commercial hostility that may have generated the present criminal proceedings. The record before this Court discloses that the parties were engaged in a long-standing commercial relationship rooted in the travel and ticketing

business. The complainant, instead of approaching a single forum with a consolidated grievance, elected to scatter his complaints across four different police stations of Karachi over a period extending from October 2019 to July 2020, with all four FIRs revolving around the same core allegation of unpaid amounts arising from the same business dealings. The pattern of registering multiple FIRs in respect of the same set of transactions at different police stations, staggered over time, is in itself a telling indicator of collateral pressure rather than genuine criminal prosecution. This Court takes note of the principle enunciated in case of *Sanaullah Vs. Inspector General Baluchistan and others* (2025 MLD 1720) that where the allegations contained in multiple FIRs revolve around the same set of facts, such FIRs are based on malice and constitute a misuse of the criminal process. This principle resonates with full force in the present case. The observation finds equal support in case of *Imran Ahmed Vs. The State* (2025 YLR 1016), wherein it was held that a complainant who registers separate FIRs in respect of the same dispute after deliberate intervals acts with mala fide. Having assessed this dimension of the matter, this Court is firmly of the view that the multiplicity of FIRs filed by the complainant against the applicant and his family members out of the same commercial dispute is, at this stage, a circumstance that substantially advances the case of the applicant for grant of bail and furnishes compelling reason to treat the matter as one warranting further inquiry under Section 497(2) Cr.P.C.

6. Turning now to the merits of the present application, the first and most fundamental point to be addressed is whether the essential ingredients of Section 489-F PPC are even prima facie satisfied as against the present applicant. Section 489-F PPC makes it an offence to dishonestly issue a cheque in respect of a liability or debt, knowing that it will be dishonoured upon presentation. The record placed before this Court, particularly the certificates issued by the bank itself, establishes, tentatively at this stage, that the applicant Arshad Majeed is neither the account holder nor the signatory of Cheque No. 115650328. The complainant's own FIR acknowledges that the relevant business dealings were conducted through Sabir Majeed using his IATA ID. It is an established principle that penal provisions must not be extended beyond their plain meaning, and where a person is neither the drawer nor the

signatory of a cheque, the essential element of dishonest issuance cannot, even tentatively, be attributed to him. This Court draws guidance from the case of *Bashir Ahmed Vs. The State* (2023 SCMR 748) in which the apex Court observed that where no proof has been tendered to establish that any amount was paid by the complainant to the accused, and where no evidence with regard to the essential ingredients of Section 489-F PPC is available at this stage, such circumstances cumulatively constitute grounds of further inquiry. The position in *Muhammad Anwar Vs. The State* (2024 SCMR 1567) further crystallizes the approach that this Court must adopt: it is constitutionally and jurisprudentially preferable to err on the side of granting bail than to err in refusing it, for a wrongful conviction can be corrected in appeal, but the loss of liberty pending trial, where the case is doubtful, is a wrong that no subsequent order can repair.

7. The learned counsel for the complainant relied upon 2011 MLD 311 and 2011 YLR 863 for the proposition that a proclaimed offender is ordinarily not entitled to pre-arrest bail. This Court does not dispute the general principle, but observes with emphasis that both those pronouncements, as well as *Muhammad Imran Vs. The State* (2021 PLD 903), *Syed Zahoor ul Hassan Shah Vs. The State* (2021 P.Cr.L.J. 886), *Obaid Khan Vs. The State* (2025 P.Cr.L.J. 602), *Abdul Zahoor Khan Vs. The State* (2011 P.Cr.L.J. 747), and *Ehsanullah Vs. The State* (2008 YLR 1563), must be read in light of the specific facts that characterized those decisions, and a blanket rule that a former proclaimed offender is categorically disentitled to bail. Regardless of the circumstances of his absence or the merits of his case would be an approach that conflicts with the constitutional guarantee under Article 9 of the Constitution and the jurisprudence of the Supreme Court of Pakistan in its most recent pronouncements. The principle enunciated in *Qadeer Hussain Shah Vs. The State* (2025 P.Cr.L.J. 98) directly addresses this very tension: where an accused who had been declared a proclaimed offender subsequently surrenders voluntarily, places himself at the mercy of the Court, joins the investigation, and demonstrates on the record that his previous absence was caused by circumstances genuinely beyond his control, such as serious medical affliction, mere absconding is no ground to deny bail if the accused otherwise has a good case on merits. In the present case, the

applicant's medical record, including Echo report dated 24.11.2025 reflecting a markedly reduced ejection fraction of 40-45% against the normal range of 55%, the HbA1c report dated 23.11.2025 revealing a critically elevated result of 10.3 against the normal of 5.7, the cardiologist's prescription dated 12.01.2026 recommending Coronary Angiography, and the eye specialist's report dated 13.02.2019 confirming Massive Sub-Macular Hemorrhage in the right eye, taken together constitute compelling medical evidence of a condition that, at the relevant time, rendered his attendance before the trial Court both difficult and precarious. This medical position attracts the first proviso to Section 497(1) Cr.P.C., under which an infirm accused is entitled to bail as a rule, as authoritatively held by the Supreme Court of Pakistan that the standard for granting bail to a sick or infirm accused is the same as it is for offences falling outside the prohibitory clause, where bail is the rule and refusal the exception. The blacklisting order concerning Sabri Travels and Tours (Pvt.) Ltd. relied upon by the complainant's counsel relates to the co-accused Mustafa Majeed's company and does not, on the face of the record, implicate the applicant's separate entity MMB Travels, the independent status of which is supported by documentary certificates from DTS, FBR, SECP, and IATA.

8. In addition to the foregoing, the record discloses that an unexplained delay of about five months intervened between the dishonour of the cheque on 19.07.2019 and the lodging of the FIR on 12.10.2019, and a further five months had elapsed between the date of the alleged transaction and the presentation of the cheque. It is settled law, reiterated in Riaz Ahmed Vs. The State (2024 YLR 1144), that unexplained delay in criminal proceedings, particularly in cheque dishonour cases, is fatal to the prosecution's case and must be assessed as a factor in favour of the accused at the bail stage. The existence of parallel civil suits Nos. 344/2020 and 345/2020 concerning the same transactions is yet another indicator that the underlying dispute is commercial in nature and has been colored with criminality to coerce settlement, a circumstance that this Court regards with considerable disapproval. It bears recording that in the very related FIR No. 959/2019, the police themselves submitted a final report under "A" Class in the absence of any evidence, which constitutes an important circumstance in the applicant's favour. Furthermore, the bail

of the present accused in FIR No. 959/2019 of P.S. Shahrah-e-Faisal was confirmed by the learned V Additional District and Sessions Judge, Karachi East, vide order dated 27.03.2026, and the co-accused Mustafa Majeed was granted bail in FIR No. 435/2019 of P.S. Aram Bagh vide order dated 08.04.2026. The rule of consistency in the grant of bail to co-accused facing the same set of allegations from the same complainant, where no valid distinction exists, demands that the same relief be extended to the present applicant.

9. Having considered all of the above, the mala fide nature of the multiple FIRs, the applicant's status as neither account holder nor signatory of the dishonoured cheque, the inexplicable delay in lodging the FIR, the purely commercial underpinning of the dispute, the serious and documented medical condition of the applicant, his voluntary surrender and engagement with the trial process, the "A" Class final report in the related FIR, and the bail granted to co-accused in parallel matters, this Court is of the unequivocal opinion that the applicant/accused has made out a case of further inquiry within the meaning of Section 497(2) Cr.P.C. and is, in the circumstances, entitled to the concession of pre-arrest bail.

10. The pre-arrest bail of the applicant/accused Arshad Majeed 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