

THE HIGH COURT OF SINDH AT KARACHI

Criminal Bail Application No.2008 of 2026

Applicant : Muhammad Shahid son of Abdul Latif
through M/s. Farhan Zia Abrar and
Shazia Manzoor Mughal, Advocates

Complainant : Muhammad Mutalib Chandio son of
Muhammad Toufeeque Chandio through
Syed Muhammad Abdul Kabir,
Advocate

Respondent : The State through Ms. Najma Latif
Golo, Assistant Prosecutor General,
Sindh

Date of hearing : 16.09.2026

Date of decision : 16.09.2026

ORDER

Jan Ali Junejo, J.- Through this Criminal Bail Application, Applicant– Muhammad Shahid son of Abdul Latif, seeks pre-arrest bail in FIR No.264 of 2026, under Section 489-F PPC, registered at Police Station Clifton, Karachi, calling in question the Order dated 02.07.2026, passed by Additional Sessions Judge-II, Karachi South, whereby, his pre-arrest bail application was dismissed. The Applicant was granted ad-interim pre-arrest bail by this Court *vide* Order dated: 03.07.2026.

2. The accusation against the Applicant as per contents of FIR lodged by the Complainant is that he issued three cheques bearing Cheque No.A05623155, Cheque No.A05623156 both dated 26.03.2026 and Cheque No.A05623154 dated 29.01.2026 all amounting to Rs.500,000/- each of Meezan Bank, New Town Branch, Karachi, in favor of Complainant, which were dishonored on presentation before the Bank concerned due to insufficient funds; hence this FIR.

3. Learned Counsel for the Applicant argued that the Applicant is innocent and has falsely been implicated in this case by the Complainant to pressurize him for recovery of a disputed amount. He further argued that the Applicant has committed no offence and there is a dispute of civil nature. He further argued that FIR was lodged with an inordinate delay of about three months without any plausible explanation and that the essential ingredients of Section 489-F PPC, including dishonest intention

and *mens rea* at the time of issuance of cheques are completely missing. He further argued that there is no direct or indirect evidence connecting the Applicant with the commission of offence. He further argued that Section 489-F PPC is not hit by the prohibitory clause of Section 497 Cr.PC, and that the Applicant has joined the investigation and has not misused the concession of interim protection; therefore, he prays that the pre-arrest bail may be confirmed. In support of his contentions, learned Counsel has placed reliance upon the case laws reported as HAKEEM alias Peer *versus* The STATE (2026 SCMR 792), AQEEL AHMED KHAN *versus* The STATE through Federal Prosecutor General, Islamabad and another (2025 SCMR 1955) and MUHAMMAD ANWAR *versus* The STATE and another (2024 SCMR 1567)

4. Learned Counsel for the Complainant, on the other hand, argues that the Applicant is directly connected with the transaction in question and that the cheques were issued towards discharge of liability which were dishonoured on presentation. He contends that the dishonour of cheques has caused serious financial loss to the Complainant, that the Applicant is avoiding his liability under the guise of a civil dispute, and that he does not deserve the extraordinary relief of pre-arrest bail; hence, he prays that the application be dismissed. In support of his contentions, learned Counsel has placed reliance upon case laws reported as MUHAMMAD SIDDIQUE *versus* IMTIAZ BEGUM (2002 SCMR 442), MUHAMMAD YAQOOB *versus* The STATE (2022 MLD 1065), PIR BUX *versus* The STATE (2022 YLR Note 5), LIQAUAT ALI *versus* The STATE (2023 YLR Note 33) and SHAKEEL AHMED SAHITO *versus* The STATE (2022 MLD 1004).

5. Learned Assistant Prosecutor General, Sindh argues that the offence is duly reflected from the contents of the FIR and supporting material, that the cheques were dishonoured, and that sufficient *prima facie* material is available to connect the Applicant with the commission of the offence. She contends that pre-arrest bail is an extraordinary relief which cannot be granted as a matter of course, particularly where the accused has allegedly misused earlier concessions, and therefore he prays that the present pre-arrest bail application be dismissed.

6. I have given thoughtful consideration to the arguments advanced by the learned Counsel for the Applicant, Assistant Prosecutor General, Sindh as well as Complainant's Counsel and have carefully examined the record with a tentative assessment, as is permissible at the bail stage. It is well settled that pre-arrest bail is an extraordinary relief, intended to

protect innocent persons from abuse of the process of law, undue harassment, humiliation, or mala fide arrest. At this stage, the Court is not required to undertake a deeper appreciation of evidence; rather, it is to make a tentative assessment of the material available on record. For attracting the provisions of Section 489-F, P.P.C., the prosecution is required, at least prima facie, to establish the following essential ingredients: (i) issuance of a cheque by the accused; (ii) issuance of such cheque dishonestly; (iii) existence of a legally enforceable debt, liability, or obligation; (iv) knowledge or *mens rea* at the time of issuance that the cheque would be dishonoured; and (v) dishonour of the cheque upon its presentation. It is by now settled law that mere dishonour of a cheque, by itself, does not constitute an offence under Section 489-F, P.P.C., unless all the aforesaid ingredients coexist. A careful perusal of the FIR and annexed material reveals that admittedly there is a contract/ renovation agreement between the parties. The prosecution record is silent as to when, where, and in what manner the alleged cheques were issued by the present Applicant in discharge of any liability. The mode of transaction, consideration, and foundation of liability has not been disclosed, which are fundamental prerequisites for invoking Section 489-F PPC. Equally significant is the fact that the FIR does not allege any dishonest intention (*mens rea*) on the part of the present Applicant at the time of issuance of the cheques. There is no assertion that the Applicant knowingly issued the cheques with the intention that it would be dishonoured. In the absence of such allegation, the essential element of dishonesty, being the soul of Section 489-F PPC, remains unestablished at this stage.

7. The core ingredients of Section 489-F PPC cannot be conclusively determined without recording of evidence. These aspects require deeper probe and proper appreciation at trial. Consequently, the case, so far as the present Applicant is concerned, squarely falls within the ambit of “further inquiry” as envisaged under Section 497(2) Cr.P.C.

8. It is further observed that: The FIR has been lodged after a considerable unexplained delay; The offence does not fall within the prohibitory clause of Section 497 Cr.P.C.; and bail is not to be withheld as a measure of punishment.

9. In similar circumstances, where bail was granted in an 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”.

10. Keeping in view the settled principles of law governing pre-arrest bail, this Court is of the tentative view that the Applicant has made out a case for confirmation of pre-arrest bail. Consequently, the ad-interim pre-arrest bail granted to Applicant-Muhammad Shahid son of Abdul Latif vide Order dated 03.07.2026, in Crime No.264 of 2026, registered at Police Station Clifton, Karachi, for offence under Section 489-F PPC, is hereby confirmed, subject to the same terms and conditions. The observations herein are tentative and confined to the decision of bail. The trial Court shall not be influenced thereby and shall adjudicate strictly on the evidence led before it.

JUDGE

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