

IN THE HIGH COURT OF SINDH AT KARACHI

Criminal Bail Application No. 2187 of 2026

Applicant : Muhammad Safwan S/o. M. Yaqoob
Through Syed Khalil Ahmed Shah,
Advocate

Respondent : The State
Through Mr. Muhammad Mohsin Mangi,
A.P.G Sindh assisted by Mr. Gulzar
Hussain advocate for the complainant a/w
complainant Arqam Tariq son of Tariq
Murtaza .

Date of hearing : 28.08.2026.

Date of order : 28.08.2026.

ORDER

Jan Ali Junejo, J.— Applicant Muhammad Safwan son of Muhammad Yaqoob seeks post-arrest bail in a case bearing Crime No. 192/2026, for offence under section 489-F PPC of P.S Malir Cantt. Karachi. Prior to this, the applicant had sought the same relief before the learned Additional Sessions Judge-VI, Malir at Karachi, which was declined vide order dated 03.06.2026.

2. The facts relevant to the present criminal bail application are as follows:

“Complainant Arqam Tariq in connection with a business transaction gave a sum of Rs.5,00,00,000/- to Muhammad Safwan on different occasions. Muhammad Safwan carried on the business for some time but subsequently closed it. Thereafter, when the complainant demanded the return of his money Muhammad Safwan issued a cheque from his account bearing No.12379876 dated 25.03.2026 amounting to Rs.50,00,000/-. However, upon presentation, the said cheque was dishonoured. Despite repeated demands, the applicant allegedly failed to make payment, whereafter the instant FIR was lodged”.

3. Per learned counsel for the applicant, the applicant is innocent and has falsely been implicated in this case; that the alleged incident has taken place on 03.04.2026 whereas FIR was recorded on 23.04.2026 with a delay of about twenty days for which no plausible explanation has been furnished; that the offence in which the applicant has been charge does not fall within the prohibitory clause and urged that the applicant be extended the concession of bail.

4. The A. P. G. Sindh, while not opposing the grant of bail, recorded his no objection to the instant application in view of the affidavit of no objection of complainant, same is taken on record, wherein he has expressly raised no objection to the applicant being admitted to bail.

5. Notably, the complainant has since submitted a statement in which he has raised no objection to the grant of bail to the applicant. This has resulted in two conflicting versions, one set forth in the FIR and the other contained in the complainant's affidavit. Such divergence creates a situation where the veracity of the complainant's affidavit and his credibility can only be determined at the time of trial, after the recording of evidence.

6. In light of the above circumstances and keeping in view the principles laid down under Section 497(2) Cr.P.C., the applicant has succeeded in making out a case of further inquiry. Accordingly, the applicant is admitted to post-arrest bail upon furnishing solvent surety in the sum of Rs.200,000/- (Rupees Two Lac only) and a PR Bond in the like amount to the satisfaction of the learned trial court.

7. Before parting, it is observed that the findings recorded hereinabove are purely tentative in nature and shall not prejudice the case of either party during the course of trial. The trial Court shall evaluate the evidence independently and uninfluenced by any observation made in this order.

8. The applicant is directed to ensure regular attendance before the trial Court and shall not, in any manner, attempt to influence or interfere with the prosecution witnesses. Any violation of these conditions may entail cancellation of bail in accordance with law.

J U D G E