IN THE HIGH COURT OF SINDH AT KARACHI

Present:
Mr. Justice Jawad Akbar Sarwana

Criminal Bail Application No.948 of 2025

Applicant	:	Imdad Ali Memon s/o Hamid Ali Memon through Mr. Waqar Hussain, Advocate
Complainant	:	Muhammad Saleem s/o Muhammad Azeem Through Mr Khawaj Muhammad Tanoli, Advocate
Respondent	:	The State through Mr. Zahoor Shah, Addl. PG Sindh
Date of Hearing	:	09.09.2025
Date of Shot Order	:	09.09.2025
Date of Reasons	:	22.10.2026

O R D E R

Jawad Akbar Sarwana, J: Through the instant bail application, applicant/accused Imdad Ali Memon s/o Hamid Ali Memon seeks pre-arrest bail in Crime No.10 of 2025 registered at Police Station Mominabad, Karachi, for offence under Section 489-F PPC as his earlier bail application for the same relief was declined by the learned XIIth Additional Sessions Judge, Karachi West, Karachi, vide order dated 22.01.2025 passed in Criminal Bail Application No.245 of 2025.

2. I have heard the counsel for the applicant/accused and the complainant, as well as the Additional Prosecutor General Sindh, and have perused the record.

3. As per the FIR, the complainant has alleged that he was running a business of sale and purchase of cars and had entered into an investment agreement dated 08.04.2024, and the applicant/accused and his sons, who were part of the agreement, did not share the profits with him and ultimately the applicant/accused agreed to refund the sum invested in part by way of a cheque no.00007 drawn on Faysal Bank Limited dated 02.12.2024 in the sum of Rs.17,500,000/-, which was presented on 05.12.2024 but was dishonored for the reason that “payment stopped by drawer”. However, a perusal of the agreement dated 08.05.2024, duly signed by Imdad Ali Memon and the complainant, disclosed a different narrative. As per this agreement, the cheque was part of a deposit for an investment in the nature of a security. It was not part of the revenue stream. Further, the police file disclosed that Imdad Ali Memon had lodged FIR No.177/2024 for theft of a cheque against one Mehreen Abdul Rub, and that Mehreen Abdul Rub had earlier lodged FIR No.366/2024 against the applicant/accused, Imdad Ali. These proceedings were pending when the leaf from the very same cheque book was presented

for collection. As per the material available in the Police File, forensic analysis showed that the signature on the said cheques did not match the signature of the owner of the cheque book allegedly stolen from Imdad Ali. As the complainant was well aware of the background, the filing of the FIR prima facie suggests malafide on his part.

4. It is an admitted position that the ingredients of Section 489-F PPC require the element of dishonesty to be present in the crime. It is only to prove dishonesty, and that dishonesty must be shown within the crime.

5. In the instant case, the punishment provided by law for the offence with which the applicant/accused has been charged is only three years and not exceeding the limits of prohibitory clause of Section 497 Cr.P.C. The case has been challaned, and no further investigation is required. Even otherwise, on a tentative analysis, the applicant has made out a good prima facie case for his admission on pre-arrest bail on the grounds of malafide on the part of the complainant in the facts and circumstances of the case.

6. Given the above, a case for “malafide” on the part of the complainant is/was made out and hence vide Short Order dated 09.09.2025 ad-interim pre-arrest bail granted to the applicant/accused vide order dated 16.04.2025 was confirmed subject to furnishing solvent surety of Rs.300,000/- which was in addition to the solvent surety of Rs.100,000/- already submitted as on 16.04.2025 and further solvent surety equivalent to Rs.200,000/- and PR bonds in the like amount as per the Short Order dated 09.09.2025 with total solvent surety to be submitted to the Nazir in terms of the Court’s orders dated 09.09.2025 to the satisfaction of the Nazir of this Court being in the sum of Rs.300,000.

7. The above are the reasons for my short order dated 09.09.2025.

8. The observations hereinabove are tentative in nature and shall not influence the trial Court while deciding the case on merits.

J U D G E

Asif