

**ORDER SHEET**  
**IN THE HIGH COURT OF SINDH KARACHI**  
 Crl. Bail Application No. 2292 of 2023

DATE	ORDER WITH SIGNATURE OF JUDGES
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For hearing of bail application.

**18-12-2023**

M/s. Zulfiqar Ali Shaikh and Ghulam Asghar Jutt Advocates along  
 with applicant Muhammad Nawab Khan  
 Mr. Muhammad Iqbal Awan, Additional Prosecutor General  
 SIP Moin of P.S. Malir City

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**Omar Sial, J:** Applicant Muhammad Nawab Khan, has sought pre-arrest bail in crime number 660 of 2023 registered under section 489-F P.P.C. at Malir City police station. Earlier, his application seeking bail was dismissed on 04.10.2023 by the learned 4<sup>th</sup> Additional Sessions Judge, Malir.

2. A background to the case is that the F.I.R. above was registered on 19.08.2023 on the complaint of Qurban Ali, who reported that he is running a shop in the name of Madina Paint Colour at U.P. Mor, Karachi. Muhammad Nawab Khan purchased paints and other colour material from his shop amounting Rs.400,000/- and had given a cheque No.00000129 but the said cheque bounced on presentation.

3. I have heard the learned counsel for the applicant and the learned Additional Prosecutor General for the State. The complainant did not effect an appearance despite notice.

4. Learned counsel for the Applicant contends that Nawab Khan and Safdar Pervez entered into an agreement for renovation of his school and on demand of Safdar Pervez, he had given him a cheque as security. Subsequently on payment of all dues when Nawab asked for return of cheque, Safdar Pervez informed him that cheque has been misplaced by him and Nawab Khan immediately approached the concerned bank and

submitted a written request for stoppage of payment. According to the applicant, the Investigating officer had forcibly brought him at police station where cash Rs.180,000/- and a cheque for the remaining amount Rs220,000/- were forcibly obtained from him.

5. The FIR was also registered after delay of fifteen days and no plausible explanation has been put forward. It is still to be determined why the applicant gave the cheque and whether the same was for fulfilling an obligation or satisfaction of a loan, as required by Section 489-F PPC. The case against the applicant is one of further inquiry, and as of the moment, nothing seems to substantiate the allegations; malafide on the part of the complainant in filing this case cannot be conclusively ruled out.

6. Offence under sections 489-F P.P.C., though notailable, carries a potential sentence of up to three years and thus fall within the non-prohibitory clause of section 497 Cr.P.C. In view of the principles enunciated in Tariq Bashir and 5 others vs. The State (PLD 1995 SC 34), I do not find any exceptional or extraordinary grounds to deny the applicant bail.

7. Given the above, the interim pre-arrest bail granted to the applicant is confirmed on the same terms and conditions.

JUDGE