

**IN THE HIGH COURT OF SINDH AT KARACHI****Crl. Bail Application No. 955 of 2024**

Applicant : Kamran Sadiq  
through Mr. Sarmad Khan Azad, Advocate

Respondent : The State  
through Mr. Saleem Akhtar Buriro, Addl.P.G.

Complainant : In person

Date of hearing : 26<sup>th</sup> September, 2024

Date of Order : 26<sup>th</sup> September, 2024

**ORDER**

**Omar Sial, J:** Kamran Sadiq has sought post-arrest bail in crime number 1300 of 2023 registered under section 489-F P.P.C. at the Shah Latif police station in Karachi. His earlier bail plea was dismissed on 09.04.2024 by the learned 6<sup>th</sup> Additional Sessions Judge, Malir.

2. The F.I.R. mentioned above was registered on 17.10.2023 on the information provided by Zohaib Hussain. Zohaib reported that he had given Rs.34,675,000 to the applicant for investment in his business. When Zohaib asked for his money back, the applicant issued him 8 cheques for the different amounts, out of which, two cheques were dishonoured when presented at the bank's counters for clearance.

3. I have heard the learned counsel for the applicant, the complainant, and the learned Additional Prosecutor General. My observations and findings are as follows.

4. Learned Additional Prosecutor General has not been able to show me any evidence with regard to issuance of cheques. Whether the cheques were issued to satisfy a loan or fulfil an obligation must be determined when evidence is led at trial. For an offence under section 489-F, it must be proved that the dishonoured cheques were issued dishonestly to satisfy a loan or fulfil an obligation. This too requires evidence.

5. An offence under section 489-F P.P.C. carries a potential sentence of up to three years and, although non-bailable, falls within the non-prohibitory clause of section 497 Cr.P.C. the applicant has already been in jail for 9 months and his trial is yet to be concluded. At this rate, the applicant will have served out his sentence without being adjudicated as a criminal.

6. Given the above, the applicant is admitted to post arrest bail subject to his furnishing a solvent surety in the sum of Rs.500,000 and a P.R. Bond in the like amount to the satisfaction of the learned trial court.

JUDGE