

IN THE HIGH COURT OF SINDH AT KARACHI

Crl. Bail Application No. 1522 of 2024

Applicant : Shabana Ishrat
through Ms. Sabeen, Advocate

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

Complainant : through Mr. Muhammad Rafiq Shaikh, Advocate

Date of hearing : 26th September, 2024

Date of Order : 26th September, 2024

ORDER

Omar Sial, J: Shabana Ishrat is accused of issuing a cheque for Rs. 6.5 million to Fareed Ahmed, whose cheque bounced upon presentation. F.I.R. No. 476 of 2023 was registered under section 489-F P.P.C. at the Bilal Colony police station. She applied for bail before the learned 2nd Additional Sessions Judge, Karachi Central; however, her plea was dismissed on 08.07.2024.

2. I have heard the learned counsels for the parties and the learned Additional Prosecutor General. My observations and findings are as follows.

3. There appears to be no compelling evidence at the moment that could categorically reflect that the cheque in question was issued for the satisfaction of a loan or the fulfillment of an obligation. The same is essential for committing an offence under section 489-F Cr.P.C.

4. An offence under section 489-F Cr.P.C. carries a potential sentence of up to three years. Although not bailable, the offense falls within the non-prohibitory clause of section 497 Cr.P.C. Keeping the principles enunciated in Tariq Bashir and five others vs. The State

(PLD 1995 SC 34) in mind; I do not find any extraordinary reasons to deny the applicant bail. Her gender also tilts the balance in her favor for the grant of bail.

5. The applicant is the complainant's sister-in-law and the unpleasant family drama that appears to have occurred before the case was registered. At this preliminary stage, I am unable to exclude malafide conclusively.

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

JUDGE