

IN THE HIGH COURT OF SINDH AT KARACHI

Crl. Bail Application No. 1506 of 2025

Applicant : Kashif Aslam
through Mr. Shaukat Ali,
Advocate a/w applicant

Complainant : through Mr. Mujahid Thobo,
Advocate a/w complainant

Respondent : The State
through Ms. Rahat Ahsan,
Addl. Prosecutor General Sindh

Date of hearing : 16.09.2025

Date of Order : 18.09.2025

ORDER

Omar Sial, J: Mohammad Asif has registered F.I.R. No. 181 of 2025 under section 489-F P.P.C. at the Gulshan-e-Iqbal police station on 23.03.2025, reporting an offence that occurred on 06.02.2025. The nominated accused is the applicant Kashif Aslam. Asif alleges that Kashif gave him five cheques of Rs. one million each on 22.11.2024 and also signed a Declaration that he owed money to Asif. Kashif sought pre-arrest bail from the learned 6th Additional Sessions Judge, Karachi East but his application was dismissed on 14.05.2025.

2. I have heard the counsels and the complainant in person. My observations and findings are as follows.

3. The complainant says that Kashif has been taking money from him for the last eight years and has not returned that amount. He had agreed to return the cash and signed a Declaration together with five cheques, but all the cheques bounced upon presentation. He acknowledges, however, that

he has no documentation to show that money was given to Kashif for the satisfaction of a loan or fulfilment of an obligation, as is required by section 489-F Cr.P.C.

4. The presence of dishonesty and the purpose for which the money was given must be proven at trial. The record also reflects that the free consent of the applicant in signing the Declaration and cheques in question is doubtful, as these documents, prima facie, have been signed while he was in police custody. The learned counsel for the complainant has been unable to show that this was not the case. The fact that the complainant has not filed a suit for recovery to date but instead chose to register an F.I.R. suggests that criminal law may have been initiated as an arm-twisting tool. This does not eliminate malafide at this preliminary stage. The complainant should have known that any recovery of money is not possible through the criminal courts. Civilised societies do not use the police as a tool of coercion.

5. An offence under section 489-F P.P.C., although not bailable falls within the non-prohibitory clause of section 497 Cr.P.C. as it carries a potential sentence of up to three years. Keeping in mind the principles enunciated in Tariq Bashir and five others vs The State (PLD 1995 SC 34), I do not see any extraordinary or exceptional reason to deny the applicant bail. The interim pre-arrest bail is confirmed on the same terms and conditions.

JUDGE