

IN THE HIGH COURT OF SINDH AT KARACHI

Criminal Bail Application No.3497 of 2025

Applicant : Muhammad Owais Ahmed S/o Muhammad Imtiaz ul Haq through Mr. Gulzar Hussain, Advocate

Respondent : For State:
through Ms. Rubina Qadir, Addl. P.G.

For complainant:
through Mr. Nawaz Arain, Advocate

Date of hearing : 04.02.2026

Date of order : 04.02.2026

O R D E R

AMJAD ALI SAHITO, J -- Through this bail application, applicant/accused seeks pre-arrest bail in Crime No.246/2024 U/s 489-F/34 PPC at PS Paposh Nagar, after his bail plea has been declined by learned Addl. Sessions Judge, Karachi Central vide order dated 11.10.2025.

2. The details and particulars of the FIRs are already available in the bail applications as well as memo of FIRs; therefore, the same need not to be reproduced.

3. Per learned counsel for the applicant, applicant is innocent and has falsely been implicated in this case by the complainant with malafide intention; that in fact applicant got Nikah with the complainant and on the basis of trust, he has issued her cheques which she has misused; that the applicant has no outstanding dues against the complainant. He further argued that brother of accused/co-accused has been granted bail by the trial Court, as such, he is also entitled for confirmation of bail.

4. On the other hand, learned counsel for the complainant opposed for confirmation of bail on the ground that cheque issued by him was dishonoured, as such, he is not entitled for concession of bail. Learned Addl. P.G. also supported the version of learned counsel for the complainant.

5. Heard arguments and perused the record.
6. From the perusal of the record, it transpires that the complainant is employed with NBP Funds. In the year 2019, she came into contact with the present applicant, and subsequently solemnized Nikah with him; however, the rukhsati did not take place. It is further borne out from the record that after the Nikah, the applicant, on different occasions, obtained amounts of money from the complainant.
7. The complainant, Mehreen Iqbal, who is present before the Court, has stated that the applicant along with his brother received various sums of money from her on different dates, and that the total outstanding liability against them amounted to Rs. 8,400,000/- (Rupees Eighty-Four Lacs). Upon her demand for repayment, the applicant issued four cheques amounting to Rs. 4,400,000/- (Rupees Forty-Four Lacs). However, she has admitted that only an amount of Rs. 1,500,000/- (Rupees Fifteen Lacs) was returned by the accused persons. Upon presentation, all the said cheques were dishonoured on the ground of "insufficient funds."
8. In these circumstances, the essential ingredients of the offence punishable under Section 489-F of the Pakistan Penal Code are *prima facie* attracted. Moreover, the applicant knowingly issued the aforesaid cheques despite being fully aware that sufficient funds were not available in his account, thereby *prima facie* committing the offences of cheating and fraud against the complainant. It is further noted that the applicant has neither denied the issuance of the cheques nor disputed his signatures thereon.
9. As regards the contention raised by the learned counsel for the applicant that the co-accused has been granted bail by the trial Court, learned counsel for the complainant has clarified that the said co-accused was granted bail on account of having made part payment to the complainant. In the present case, however, the applicant is not willing to make any part payment whatsoever. At the bail stage, only a tentative assessment of the material available on record is required. No *mala fide*, ill-will, or prior enmity on the part of the complainant has been alleged or demonstrated, which

could justify the false implication of the applicant in the present case.

10. Further, the concession of pre-arrest bail cannot be allowed to an accused person unless the Court feels satisfied with the seriousness of the accused person's assertion regarding his intended arrest being actuated by *mala fide* on the part of the complainant party or the local police but not a word about this crucial aspect of the matter is found as no *mala fide* is made on the part of the complainant to believe that the applicant/accused has been implicated in this case falsely. In this context, the reliance is placed to the case of '**Rana Abdul Khaliq v. The STATE and others**' [2019 SCMR 1129]. In addition to the above, I would like to mention that grant of pre-arrest bail is an extraordinary remedy in criminal jurisdiction; it is a diversion of the usual course of law, arrest in cognizable cases; protection to the innocent being hounded on trump up charges through abuse of process of law, therefore, an applicant seeking judicial protection is required to reasonably demonstrate that intended arrest is calculated to humiliate him with taints of *mala fide*, it is not a substitute for post-arrest bail in every run of the mill criminal case as it seriously hampers the course of the investigation.

11. In view of the above, learned counsel for the applicant has failed to make out a case for grant of bail in subsection 2 of Section 497 Cr.P.C. Resultantly, the instant bail application is **dismissed**. The interim pre-arrest bail granted to the applicant/accused in all these bail applications vide order dated 17.12.2025 is hereby recalled.

12. Needless to mention here that the observations made hereinabove are tentative in nature and would not influence the learned trial Court while deciding the case of the applicant/accused on merits.

JUDGE