

IN THE HIGH COURT OF SINDH AT KARACHI

Cr. Bail Appln. No.3450 of 2025

Applicant: Muhammad Zaman through
Mr. Muhammad Hanif Qureshi,
Advocate.

Complainant: Javed Suleman Parekh through
Mr. Muhammad Saleem Ansari,
Advocate.

Respondent: The State through
Mr. Muhammad Noonari, D.P.G.

Date of hearing: 06.02.2026.

Date of order: 06.02.2026.

ORDER

TASNEEM SULTANA,J:-Through this criminal bail application, the applicant/accused seeks post-arrest bail in Crime No.371 of 2025, for the offence under section 489-F, P.P.C., registered at Police Station Aram Bagh, Karachi. His earlier bail plea for the same concession was declined by the learned Additional Sessions Judge-XI, Karachi South, vide order dated 28.11.2025; hence, the present bail application.

2. Brief facts of the prosecution case are that the complainant Javed Suleman Parekh alleged that the applicant/accused obtained an amount of Rs.96,00,000/- from him for business purposes and, upon demand, returned 20,00,000/- to him and for remaining 76,00,000/- issued two cheques bearing Nos.10125932 dated 26.07.2025 for Rs.30,00,000/- and 10101160 dated 28.07.2025 for Rs.46,00,000/-, drawn on Habib Bank Limited, Lakhani Centre, I.I. Chundrigar Road, Karachi, which, upon presentation on due dates, were dishonoured with the remark "Insufficient Funds". Hence this FIR.

3. Learned counsel for the applicant contends that the offence alleged does not fall within the prohibitory clause of section 497, Cr.P.C.; that the applicant/accused has no direct or indirect business transaction with the complainant, whereas, the said cheques were stolen and misused by the complainant by copying the signature of applicant/accused; that the complainant managed to lodging the false FIR against the applicant/accused for the purpose to blackmail him; that whether the said cheques were issued towards discharge of a legally enforceable liability is a matter requiring appreciation of evidence;

that there is delay of 16 days in lodging of FIR; and that the applicant is no more required for investigation; that the applicant/accused is a chronic heart patient and keeping him behind the bar for long time may be dangerous to the life of applicant/accused. It was further contended that continued incarceration would amount to pre-trial punishment. The learned counsel for the applicant, in support of his contentions, has relied upon the case of **Aqeel Ahmed Khan vs. The State (2025 SCMR 1955)**.

4. Conversely, learned D.P.G. assisted by learned counsel for the complainant opposed the application on the grounds that the applicant is specifically named in the FIR; that the amount in question was verbal transaction without any banking channels; that the cheques were dishonoured due to insufficient funds; and that the complainant deserves protection of law.

5. Heard. Record perused.

6. It appears that the complainant has alleged that the applicant obtained an amount of Rs.96,00,000/- from him for business purposes and, upon demand, returned 20,00,000/- to him and for remaining 76,00,000/- issued two cheques bearing Nos.10125932 dated 26.07.2025 for Rs.30,00,000/- and 10101160 dated 28.07.2025 for Rs.46,00,000/-, drawn on Habib Bank Limited, Lakhani Centre, I.I. Chundrigar Road, Karachi, upon presentation, were dishonoured with the remark "Insufficient Funds."

7. It further appears that the defence plea is that the cheques were stolen by the complainant and misused the same after copying the signature of the applicant/accused. Such plea, at this stage, raises questions which cannot be conclusively answered without recording evidence. The existence of mens rea and the nature of liability, if any, are matters requiring proper appreciation of facts and documents during trial; therefore, the case, prima facie, calls for further inquiry within the meaning of section 497(2), Cr.P.C.

8. The offence under Section 489-F, P.P.C. carries punishment upto three years, hence it does not fall within the prohibitory clause of Section 497(1), Cr.P.C. Reliance is placed in the case of **Abdul Saboor Vs. The State through A.G KPK & another (2022 SCMR 592)**, the Honorable Supreme Court observed that the offence under Section 489-F, P.P.C. does not fall within the prohibitory clause of Section 497, Cr.P.C. and the maximum sentence under Section 489-F, P.P.C. was three

years, bail should generally be granted rather than refused. The Court emphasized that Section 489-F, P.P.C. is not intended to serve as a tool for monetary recovery, which is the domain of civil litigation under Order XXXVII of the Civil Procedure Code. It was reiterated that bail is the rule and refusal an exception in non-prohibitory offences, citing **Muhammad Tanveer case (PLD 2017 SC 733)**, wherein it was observed that the allegations involved factual controversies to be determined at trial, and that further inquiry was warranted under Section 497(2), Cr.P.C, the Court allowed the petition, converted it into an appeal, and granted bail.

9. It also appears that the matter is predominantly based upon documentary material already in possession of the prosecution, and the investigation stands completed. The object of bail is neither punitive nor preventive, rather, it is meant to secure attendance of the accused during trial; therefore, continued incarceration of the applicant, at this stage, would amount to pre-trial punishment, which is not the object of law.

10. It further appears that nothing has been shown on record to suggest that the applicant is likely to abscond, tamper with prosecution evidence, or otherwise misuse the concession of bail. In view of the above facts and circumstances, the prosecution case against the applicant, at this stage, calls for further inquiry within the meaning of section 497(2), Cr.P.C. Consequently, the instant bail application was allowed upon furnishing solvent surety in the sum of Rs.50,000/- (Rupees Fifty Thousand Only) and P.R. Bond in the like amount to the satisfaction of the trial Court vide short order dated 16.12.2025 and these are reasons thereof.

11. Needless to say, that the observations made herein above are tentative in nature and shall not prejudice the case of either party at the trial.

JUDGE