

IN THE HIGH COURT OF SINDH AT KARACHI

Criminal Bail Application No.98 of 2026

Applicant : Abbas Khan son of Fazal Raheem
through Mr. Abid Hussain Junejo,
Advocate

Complainant : Muhammad Aman through
Mr. Mushtaq Ahmed Awan, Advocate.

Respondent : The State through Ms. Rubina Qadir
Addl. Prosecutor General Sindh

Date of hearing : 13.02.2026

Date of order : 13.02.2026

ORDER

TASNEEM SULTANA, J.— Through this Criminal Bail Application, applicant Abbas Khan seeks pre-arrest bail in Crime No.407 of 2025 for the offence under Section 489-F P.P.C., registered at Police Station Gulshan-e-Maymar, Karachi. Earlier, his bail Application No.100 of 2026, was declined by the learned VIIth Additional Sessions Judge, Karachi West, vide order dated 12.01.2026. Hence this application for the same concession.

2. Brief facts of the prosecution case, are that the complainant Muhammad Aman stated that he is engaged in property business and on 12-06-2025 he advanced an amount of Rs.40,00,000/- to the present applicant for business purposes; out of the said amount Rs.23,00,000/- were repaid whereas the remaining Rs.17,00,000/- remained outstanding; in order to discharge the liability the applicant issued several cheques in favour of the complainant which, upon presentation, were dishonoured; earlier also an FIR bearing No.245/2024 under Section 489-F PPC was lodged; subsequently, the applicant submitted a written undertaking before the learned XIVth Civil Judge West and issued cheques bearing Nos.10916798, 10916794, 10916795, 10916796 and 10916797 on the basis of compromise; thereafter, on 09-09-2025 cheque No.10916795 amounting to Rs.400,000/- was deposited in Meezan Bank, Gulshan-e-Maymar Branch, Karachi, which was dishonoured; it is alleged that the applicant deliberately issued bogus cheques with mala fide intention to misappropriate the lawful amount, hence this FIR was registered.

3. Learned counsel for the applicant contends that the applicant is innocent and has been falsely implicated in the present case with mala fide intention to harass, pressurize and blackmail him for unlawful gain; that the

dispute arises out of business transaction which has been given criminal colour though essentially civil in nature; that basic ingredient of Section 489-F PPC, i.e. dishonest intention at the time of issuance of cheque, is missing; that substantial amount has already been repaid and the complainant himself admitted receipt of Rs.23,00,000/-; that further payment has also been made during negotiations and the applicant has shown readiness to settle the dispute; that documentary record regarding payments is available with the applicant; that one cheque is still lying with the complainant and upon its encashment the alleged liability would stand cleared; that the offence does not fall within prohibitory clause and the matter otherwise calls for further inquiry; therefore, the applicant seeks confirmation of pre-arrest bail.

4. Conversely, learned Deputy Prosecutor General assisted by learned counsel for the complainant has opposed the application and contends that the applicant issued cheques towards discharge of admitted liability which were dishonoured upon presentation; that prior FIR on the same liability also exists and despite compromise the applicant again issued cheques which bounced; that issuance of cheques pursuant to settlement rather strengthens the prosecution case as liability stood acknowledged; that documentary banking record connects the applicant with the commission of offence; that plea of repayment or adjustment is a matter of evidence and cannot be examined at bail stage; that dishonest intention is prima facie evident from repeated dishonour; that no mala fide or ulterior motive on part of complainant or police has been shown; that pre-arrest bail being extraordinary relief cannot be granted in routine cheque dishonour matters; therefore, confirmation of interim pre-arrest bail is not warranted.

5. Heard. Record perused.

6. Tentative assessment of the material placed on record reflects that the allegation against the applicant is that, to discharge an alleged outstanding liability arising out of business transaction, he issued cheques in favour of the complainant which, upon presentation, were dishonoured. Issuance of cheques pursuant to settlement proceedings before the Civil Court is also not disputed. The defence plea that substantial amount already stands repaid, and the remaining liability is under adjustment introduces a question requiring deeper appreciation of evidence. Whether the cheques were issued with dishonest intention at the time of issuance or formed part of compromise or security arrangement cannot be conclusively determined at this stage. The dispute, prima facie, emanates from business dealings carrying civil nature and no allegation of misappropriation independent of

financial liability has surfaced from the record. Where liability, issuance of cheque and intention are disputed, the matter calls for further inquiry within the meaning of Section 497(2) Cr. P.C. Reliance is placed on the case of *Salman Mushtaq & others v. The State through P.G Punjab and another* (2024 SCMR 14).

:6.While considering the grounds agitated for enlargement on bail, whether pre-arrest or post-arrest, the atrociousness, viciousness and/or gravity of the offence are not, by themselves, sufficient for the rejection of bail where the nature of the evidence produced in support of the indictment creates some doubt as to the veracity of the prosecution case. Therefore, where, on a tentative assessment, there is no reasonable ground to believe that the accused has committed the offence, and the prosecution case appears to require further inquiry, then in such circumstances the benefit of bail may not be withheld as a punishment to the accused.....

7. The offence under Section 489-F, P.P.C. carries punishment up to 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 Rasheed v. The State* (2023 SCMR 1948) wherein the Supreme Court has ruled as follows:

“Even otherwise, even if the complainant wants to recover his money, Section 489-F of PPC is not a provision which is intended by the Legislature to be used for recovery of an alleged amount. In view of the above, the question of whether the cheques were issued towards repayment of the loan or fulfillment of an obligation within the meaning of Section 489-F PPC is a question, which would be resolved by the learned Trial Court after the recording of evidence. The maximum punishment provided under the statute for the offense under Section 489-F PPC is three years and the same does not fall within the prohibitory clause of Section 497 Cr.P.C. It is settled law that grant of bail in the offenses not falling within the prohibitory clause is a rule and refusal is an exception.”

8. In view of the above circumstances, the applicant has made out a case for confirmation of pre-arrest bail. Consequently, the instant pre-arrest bail application is allowed and interim pre-arrest bail earlier granted on order dated 13.01.2026 is hereby confirmed on same terms and conditions.

9. Needless to observe that the observations made herein are tentative in nature and shall not influence the trial in any manner.

JUDGE