

## IN THE HIGH COURT OF SINDH AT KARACHI

Criminal Bail Application No. 1378 of 2025

Applicant : Muhammad Ibrahim through Mr. Ihsan Ali Bhangwar, Advocate  
Complainant : Through Mr. Israr Ahmed Khakhrani, Advocate  
Respondent : The State through Mr. Sharafuddin, APG Sindh  
Date of hearing : 12.01.2026  
Date of order : 12.01.2026

### ORDER

**TASNEEM SULTANA, J.**—Through this criminal bail application, the applicant Muhammad Ibrahim seeks pre-arrest bail in Crime No.462/2023 for the offence under Section 489-F PPC registered at Police Station Malir City, Karachi. Earlier, his bail before arrest application bearing No.1953/2025 was dismissed by the learned Additional Sessions Judge-VIII, Malir, Karachi, vide order dated 17-05-2025, hence, this bail for same concession.

2. Brief facts as per prosecution case, are that the complainant Muhammad Ismail appeared at Police Station and reported that in the year 2022 Muhammad Ibrahim ( applicant) received from him an amount of Rs.18,10,000/- (Rupees Eighteen Lac & Ten Thousand only); for the purpose of sending him abroad, thereafter applicant himself went to Dubai; in the same year when he returned, the complainant demanded back his paid amount, upon which he avoided returning the paid amount and kept deferring repayment on one pretext or another; ultimately on 14-02-2023 he issued cheque bearing No.2460189033; on 27-04-2023 the said cheque was deposited by the complainant in Meezan Bank, Malir City, Karachi, which was dishonoured and returned unpaid; thereafter the complainant again contacted Muhammad Ibrahim through cellphone but his cellphone number continuously remained switched off; on such matter the complainant submitted an application, thereafter instant FIR was registered.

3. Learned counsel for the applicant contended that the applicant is innocent and has been falsely implicated; that the dispute between the parties is rooted in matrimonial discord; that the complainant being father-in-law has misused the situation; that signed cheque leaves and relevant

documents were lying in custody of the applicant's wife during subsistence of matrimonial relations; that the same have been misused after domestic separation; no cheque was issued voluntarily towards any legally enforceable liability; that the alleged transacted amount is disputed and unsupported by independent documentary proof; no receipt, agreement, or banking trail showing transfer of the entire amount has been produced; that the applicant was earlier involved in litigation initiated by the complainant side and has been acquitted therein; multiple proceedings reflect malafide and ulterior motive; that at the relevant time the applicant remained in custody in another case, which probabilm false implication; offence does not fall within prohibitory clause; that in above circumstances instant matter squarely calls for further inquiry.

4. Conversely, learned A.P.G., assisted by learned counsel for the complainant, opposed the bail and contended that the applicant is directly nominated in the FIR; that cheque in question pertains to his account and bears his signatures; that the same was issued in discharge of liability arising out of amount received for sending the complainant abroad; upon presentation the cheque was dishonoured, thus attracting ingredients of Section 489-F PPC; defence plea of misuse is an afterthought; no proceedings for cancellation or misuse of cheque were initiated; and that applicant is not entitled for extra ordinary relief .

5. Heard. Record perused.

6. Tentative assessment of the material available on record reflects that the prosecution case rests upon the allegation of issuance of cheque in lieu of repayment of amount allegedly obtained for sending the complainant abroad. The defence plea, however, projects matrimonial discord and alleged misuse of signed cheque leaves stated to be in custody of the applicant's wife. Whether the cheque in question was voluntarily issued towards a legally enforceable liability or was misused from prior custody, and what is the legal effect of the admitted domestic dispute and prior litigation between the parties, are questions involving disputed factual aspects which cannot be conclusively determined at this stage without deeper appreciation of evidence and can only be resolved after recording evidence during the course of trial.

7. It further appears that the cheque was presented on 27-04-2023 whereas the FIR came to be lodged on 20-05-2023 after the complainant first moved an application and inquiry was conducted; the element of delay coupled with intervening inquiry, when examined alongside the defence plea regarding custody and alleged misuse of cheque book, introduces

factual controversies requiring evidentiary determination. Prima facie, the prosecution case rests upon financial liability coupled with dishonour of cheque, whereas the defence version raises arguable grounds necessitating fuller probe, thus bringing the matter within the ambit of further inquiry as envisaged under Section 497(2) Cr.P.C. Reliance in this regard may be placed upon ***Tariq Bashir v. The State (1995 SCMR 34)*** and ***Salman Mushtaq v. The State (2024 SCMR 14)***.

8. In view of above facts and circumstances, interim pre-arrest bail granted to the applicant vide order dated 26-05-2025 was confirmed on the same terms and conditions vide short order dated 16-01-2026; these are the reasons thereof.

9. Needless to observe that observations made herein are tentative in nature and shall not prejudice either side at trial.

**JUDGE**