

**IN THE HIGH COURT OF SINDH AT KARACHI**

Criminal Bail Application No. 2747 of 2025

Applicant : Adeel Mubarak son of Mubarak Ali  
through Ms. Beenish Fatima, Advocate

Complainant : Asad Shahid through Mr. Saeed Ahmed  
Magsi, Advocate

Respondent : The State through Mr. Muhammad Noonari  
Deputy Prosecutor General Sindh

Date of hearing : 03.02.2026

Date of order : 03.02.2026

**ORDER**

**TASNEEM SULTANA, J.**— Through this Criminal Bail Application, the applicant Adeel Mubarak seeks pre-arrest bail in crime No.707 of 2025, for the offence under Section 489-F, P.P.C., registered at Police Station Steel Town, Malir, Karachi. Earlier his pre arrest bail application No.4228 of 2025 declined by the learned Additional Sessions Judge-III, Malir, Karachi, vide order dated 25.09.2025. Hence this application for the same concession.

2. Brief facts of the prosecution case are that the complainant Asad Shah lodged the present FIR alleging that he had invested an amount of Rs.48,00,000/- in the business/company of the present applicant namely "HUUSO" on the assurance of monthly profit; that the applicant neither paid any profit nor returned the invested amount and subsequently closed/sold the business without informing him; that upon repeated demands for repayment, the applicant issued two cheques i.e. cheque No.11810844 dated 01.07.2025 for Rs.20,00,000/- and cheque No.11810845 dated 15.07.2025 for Rs.18,00,000/- drawn on Bank Al Habib Limited towards partial discharge of liability; that upon presentation both cheques were dishonoured with the remarks that the account had not been in use for a long time; that the applicant allegedly avoided repayment and extended threats, whereafter the present case came to be registered.

3. Learned counsel for the applicant contends that the applicant is innocent and has been falsely implicated with mala fide intention and ulterior motives; that the dispute is purely financial/business in nature which has been given criminal colour; that the FIR itself suffers from material contradiction as the alleged date of occurrence is shown as 18.12.2024

whereas the disputed cheques are dated 01.07.2025 and 15.07.2025; that no documentary proof of alleged investment i.e. bank transfer, receipt or agreement has been produced; that the case is predominantly documentary requiring deeper appreciation of evidence, hence he prayed confirmation of bail .

4. Conversely, learned A.P.G., assisted by learned counsel for the complainant, vehemently opposes confirmation of pre-arrest bail; submits that the applicant is a duly reflected partner in firm namely "HUUSO," as borne out from Certificate of Registration of Firm placed on record; that the complainant's investment and financial dealings with the applicant are corroborated through documentary material as well as digital communication exchanged inter se the parties; that WhatsApp chat transcripts and transaction narrations reflect repeated monetary settlements, delivery of cheques, and acknowledgment of liability by the applicant; that dishonour of cheques issued by the applicant attracts penal consequences under Section 489-F, P.P.C.; therefore, the applicant does not deserve the extraordinary relief of pre-arrest bail.

5. Heard. Record perused.

6. Perusal of record reflects that the complainant allegedly invested an amount of Rs.48,00,000/- in the business/company of the applicant namely "HUUSO" on the assurance of profit; that upon demand of repayment the applicant issued two cheques which were dishonoured. The complainant, in support of his contention, has placed reliance upon partnership registration certificate and digital communication record to demonstrate financial dealings and liability position. Prima facie, such material indicates existence of business relations; however, whether the electronic communication relied upon by the complainant carries independent evidentiary sanctity; and whether such digital correspondence bears direct nexus with the issuance of the disputed cheques towards discharge of legally enforceable liability, are questions which can only be determined after recording of evidence and full-dress trial, and thus at this tentative stage cannot be conclusively adjudicated upon. The matter, therefore, falls within the ambit of further inquiry as contemplated under Section 497(2), Cr.P.C.

7. In this context, reference may also be made to the recent unreported judgment in ***Muhammad Anwar v. The State (Crl. Petition No.442-L/2024)***, decided on 03.06.2024, wherein the Honourable Supreme Court of Pakistan observed as under:

“8. This Court has held in the case titled Mian Allah Ditta that every transaction involving dishonour of a cheque does not per se constitute an offence. The essential ingredients required to attract Section 489-F PPC include: (i) issuance of a cheque; (ii) such issuance being with dishonest intent; (iii) the cheque must have been issued in discharge of a loan or fulfillment of an obligation; and (iv) the cheque is dishonoured”

8. Further guidance may also be drawn from Abdul Rasheed v. The State [2023 SCMR 1948], wherein it was observed as under:

“Even otherwise, even if the complainant seeks recovery of money, Section 489-F PPC is not designed by the Legislature as a recovery mechanism. The question as to whether a cheque was issued in discharge of a loan or obligation is to be determined by the trial court upon recording of evidence. The maximum punishment under Section 489-F PPC is three years, which does not bring the case within the prohibitory clause of Section 497 Cr.P.C. It is settled law that in offences not falling within the prohibitory clause, grant of bail is a rule and refusal an exception.”

9. Similarly, in a case of like nature, the Honourable Supreme Court of Pakistan in Ali Anwar Paracha v. The State and another (2024 SCMR 1596) held as under:

“In this view of the matter, the question whether the cheque was issued towards fulfilment of an obligation within the meaning of section 489-F, P.P.C. is a question, which would be resolved by the learned Trial Court after recording of evidence. The petitioner is behind the bars since his arrest. The maximum punishment provided under the statute for the offence under section 489- F, P.P.C. 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 offences not falling within the prohibitory clause is a rule and refusal is an exception”.

10. In view of the above circumstances, the applicants have made out a case for confirmation of pre-arrest bail. Consequently, the instant pre-arrest bail application is allowed and the interim pre-arrest bail earlier granted vide order dated 20.10.2025 is hereby confirmed on the same terms and conditions.

11. Needless to mention that the observations made herein are tentative in nature and shall not prejudice the case of either side at trial.

12. These are the reasons for my short order dated 12.01.2026.

**JUDGE**