

IN THE HIGH COURT OF SINDH AT KARACHI

Criminal Bail Application No. 2191 of 2025

Applicant : Bahram Khan
S/o. Gul Muhammad
Through Mr. Muhammad Younus Khan
Advocate

Respondent : The State
Through Ms. Rahat Ehsan, Addl.P.G Sindh.
Assisted by Mr. Habib ur Rehman advocate

Date of hearing : 03.12.2025.

Date of order : 03.12.2025.

ORDER

Jan Ali Junejo, J.— Applicant Bahram Khan son of Gul Muhammad seeks pre-arrest bail in a case bearing Crime No. 574/2024, for offence under section 489-F PPC of P.S Awami Colony, Karachi. Prior to this, the applicant had sought the same relief before the learned Additional Sessions Judge-IX, Karachi East, which was declined vide order dated 09.07.2025. He was admitted to interim pre-arrest bail by this court vide order dated 27.08.2025, now the matter is fixed for confirmation of interim bail or otherwise.

2. The accusation against the applicant as per contents of FIR lodged by the Complainant is that he issued a post-dated cheque leaf bearing No.40473065, amounting to Rs.33,85,000/- in favor of complainant, which was dishonored on presentation before the bank concerned due to insufficient funds. Such F.I.R No.574/2025, was registered under Section 489-F PPC at Police Station Awami Colony against the applicant.

3. Heard and perused record.

4. As per the contention of the learned counsel for the applicant, the applicant has no involvement in the alleged offence; earlier, in 2020, the complainant lodged FIR No.552/2020 for the same amount of Rs. 33,85,000/- under Section 489-F PPC; during that case, both parties signed an agreement that the applicant would provide a security cheque in exchange for the complainant's no-objection for bail confirmation; they later attempted to resolve the matter through a Jirga, but no settlement was reached. After trial, the applicant was convicted and served a one-

year sentence with a fine. Despite this, the complainant has now lodged another FIR over the same disputed amount, allegedly based on the security cheque. Hence, it is yet to be determined at trial, after recording of evidence, whether the alleged cheque was issued by the applicant dishonestly towards fulfillment of any obligation.

5. Learned Additional Prosecutor General Sindh duly assisted by the learned advocate for complainant vehemently opposes the bail application, submitting that the dishonoured cheque was issued by the applicant and the same fulfills the ingredients of Section 489-F PPC.

6. It may be observed that the offence under section 489-F P.P.C. is though non-bailable but does not fall within the prohibitory clause of section 497, Cr.P.C. Prima facie, section 489-F. P.P.C. is not a provision which is intended by the Legislature to be used for recovery of an alleged amount. It is only to determine the guilt of a criminal act and award of a sentence, fine or both as provided under section 489-F. P.P.C. The law is very liberal especially when it is salutary principle of law that in the offences which do not fall within prohibitory clause, the grant of bail is a rule while its refusal is merely an exception. Accordingly, the interim bail already granted to the applicant vide order dated 27.08.2025 is confirmed on same terms and conditions.

7. Needless to mention here that the observations made hereinabove are tentative in nature and would not influence the trial Court while deciding the case of the applicant on merits. However, in case the applicant misuses the concession of bail in any manner, the trial Court shall be at liberty to cancel the same after giving him notice, in accordance with law.

J U D G E