

IN THE HIGH COURT OF SINDH AT KARACHI

Criminal Bail Application No.519 of 2026

Applicant : Tabish Altaf Junejo S/o Altaf Hussain Junejo
None present.

Complainant : Kamran Shahzad S/o Gharib Nawaz Shaikh through Mr. Muhammad Saleh Mallah, Advocate

Respondent : The State
Mr. Sharafuddin Kanhar, A.P.G. Sindh

Date of hearing : 30.07.2026

Date of order : 30.07.2026

ORDER

AMJAD ALI SAHITO, J -- Through this Bail Application, applicant/accused seeks pre-arrest bail in Crime No.135/2025 for the offence under Section 489-F PPC at PS Manghopir, after his bail plea has been declined by the learned Additional Sessions Judge-III, Karachi West vide order dated 30.08.2025.

2. The details and particulars of the FIR are already available in the bail application and FIR, therefore, the same need not to be reproduced hereunder.

3. None present for the applicant. No intimation is received. From perusal of record, it reflects that on last date of hearing, learned counsel for the applicant was also called absent. Today the position is same. It appears that the applicant has no interest in pursuing this bail application. However, I have perused the FIR and heard the submissions made by learned counsel for the complainant as well as learned A.P.G., who have vehemently opposed for confirmation of bail. However, learned APG has relied upon the cases reported as Rana Abdul Khaliq vs. the State [2019 SCMR 1129], Malik Nazeer Ahmed vs. Shamsul Abbas and others [PLD 2016 SC 171] and Shameel Ahmed vs. The State [2009 SCMR 174].

4. A perusal of record reflects that the complainant, Kamran Shahzad son of Gharib Nawaz Sheikh, reported that he is engaged in real estate business and came into contact with applicant Tabish Altaf Junejo, proprietor of T.J Estate, New Nazimabad, who was also dealing in Blue World City, Islamabad projects. It is alleged that, in the year 2021, the complainant finalized a deal with the accused for the purchase of 251 open plot files against a total consideration of Rs.1,75,00,000/-. In pursuance of the said transaction, the complainant issued eight post-dated cheques amounting to Rs.75,00,000/- and, on the instructions of the accused, transferred an amount of Rs.1,00,00,000/- directly into the bank account of Blue World City between late 2021 and early 2022. It is further alleged that despite receiving the entire sale consideration, the accused failed to provide the agreed plot files to the complainant. Upon repeated demands, the accused issued two cheques, i.e., Cheque No.1024384 amounting to Rs.66,00,000/- drawn on Bank Al Habib, Rawalpindi, and Cheque No.144052273 amounting to Rs.33,00,000/- drawn on Habib Metropolitan Bank, Karachi. However, upon presentation for encashment, both cheques were dishonoured on 19.01.2022 and 08.12.2022 respectively due to insufficient funds.

5. A tentative assessment of the material available on the record prima facie reflects that the conduct of the applicant demonstrates no bona fide intention to honour his financial obligation. The record indicates that the applicant knowingly issued the subject cheques despite having insufficient funds in his account to meet the amounts specified therein. Such conduct, at this stage, prima facie constitutes deception and dishonest inducement, thereby attracting the penal consequences contemplated under Section 489-F of the Pakistan Penal Code. It is further significant that the applicant has neither disputed the issuance of the subject cheques nor denied his signatures appearing thereon. At the stage of deciding a bail application, the Court is required to

undertake only a tentative assessment of the available material without recording any conclusive findings on the merits of the case. Furthermore, the applicant has neither alleged nor substantiated any mala fide, ulterior motive, previous enmity, or ill-will on the part of the complainant or the prosecution which could reasonably suggest false implication in the present case.

6. It is equally well-settled that the concession of pre-arrest bail is an extraordinary relief which can only be extended where the Court is satisfied that the proposed arrest of an accused is actuated by mala fide, ulterior motives, or abuse of the process of law at the hands of the complainant or the investigating agency. In the present case, not even a semblance of material has been brought on record to suggest any mala fide, ill-will, personal vendetta or ulterior motive on the part of either the complainant or the investigating officer, which could reasonably justify the inference that the applicant has been falsely implicated. In this regard, reliance may aptly be placed upon the dictum laid down by the Honourable Supreme Court of Pakistan in *Rana Abdul Khaliq v. The State and others* (2019 SCMR 1129), wherein it has been held that pre-arrest bail is an extraordinary remedy in criminal jurisprudence, constituting a deviation from the normal course of law relating to arrest in cognizable offences. Such relief is intended solely to protect an innocent person from harassment through mala fide prosecution and cannot be treated as a substitute for post-arrest bail in ordinary criminal cases. Since the grant of pre-arrest bail has the potential to impede the course of investigation, an applicant seeking such extraordinary relief is under a legal obligation to establish, through cogent material, that the intended arrest is motivated by mala fide and is designed merely to humiliate or harass him. In the instant case, learned counsel for the applicant has failed to point out any circumstance indicating mala fide, personal enmity or ulterior motive on the part of either the complainant or the investigating agency so as to

persuade this Court to conclude that the applicant has been falsely implicated.

7. For the foregoing reasons, I am of the considered view that the applicant has failed to make out a case either for confirmation of pre-arrest bail or for extending the benefit of further inquiry within the contemplation of Section 497(2), Cr.P.C. Consequently, the interim pre-arrest bail granted to the applicant vide order dated **17.02.2026** is hereby recalled, and the instant bail application is **dismissed**.

8. It is clarified that the observations made hereinabove are purely tentative in nature, confined solely to the disposal of the present bail application, and shall not, in any manner, prejudice or influence the learned trial Court while deciding the case strictly on its own merits and in accordance with law.

JUDGE

Kamran/Ps