

IN THE HIGH COURT OF SINDH AT KARACHI

Criminal Bail Application No.543 of 2026

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Applicant : Syed Hamid Hussain S/o Syed Munir
[in all bail applications] Ahmed Shah through M/s. Ghulam Parwar and Yasir Manzoor Chandio, Advocates

Complainant : Through Haybat Parvaiz Awan, Advocate appearing in all three bail applications

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 – By this common order, I propose to decide the above-captioned three bail applications filed by the applicant, Syed Hamid Hussain, arising out of FIR No.471/2025 registered under Section 489-F, PPC at Police Station Tipu Sultan, FIR No.325/2025 registered under Section 489-F, PPC, and FIR No.447/2025 registered under Section 489-F, PPC, both registered at Police Station Baloch Colony, whereby the applicant seeks confirmation of the interim pre-arrest bail granted to him after his earlier bail applications had been declined by the learned trial Court vide separate orders dated 29.01.2026.

2. The facts and particulars of the respective FIRs have already been set out in detail in the bail applications as well as in the FIRs themselves and, therefore, in order to avoid unnecessary repetition, the same are not reproduced herein.

3. Learned counsel for the applicant, while advancing arguments in support of all the bail applications, contended that the applicant is wholly innocent and has been falsely implicated in the present cases owing to mala fide intentions and ulterior motives on the part of the complainants. It was

submitted that the applicant had been working as a salesman on commission basis with one Muhammad Saleem, the complainant in FIR No.325/2025, who had assured him that cheques would be issued on his behalf for business purposes, and that the applicant himself had committed no offence whatsoever. Learned counsel further argued that the FIRs have been lodged after an inordinate and unexplained delay, thereby rendering the prosecution case doubtful. He further submitted that the applicant has been regularly attending the Court and has not, at any stage, abused or misused the concession of interim pre-arrest bail. He, therefore, prayed for confirmation of the interim pre-arrest bail granted to the applicant in all the aforesaid cases.

4. Conversely, learned counsel appearing for the complainants, duly assisted by the learned Assistant Prosecutor General, vehemently opposed the grant of bail. They contended that the applicant is involved in four criminal cases of identical nature under Section 489-F, PPC and is a habitual offender. It was further argued that despite obtaining the concession of bail in one case, the applicant has repeatedly indulged in similar criminal activities by committing fresh offences of the same nature, thereby demonstrating his persistent criminal conduct and complete disregard for the law.

5. I have heard the learned counsel for the parties at considerable length and have carefully examined the available record.

6. A tentative examination of the record reveals that in each of the impugned FIRs, the respective complainants have alleged that the applicant/accused, namely Syed Hamid Hussain son of Syed Munir Ahmed Shah, had entered into independent business or employment-related transactions with them and, in discharge of his alleged financial liabilities arising therefrom, issued separate cheques which, upon presentation before the concerned bank, were dishonoured

due to insufficiency of funds. The allegations contained in the respective FIRs arise out of distinct and independent transactions involving different complainants, different amounts and separate causes of action. More particularly, one case pertains to a commercial transaction involving the supply of Molty Foam products; another relates to the alleged embezzlement of funds during the course of employment followed by issuance of multiple cheques towards repayment; whereas the third concerns a furniture sale transaction in which a cheque was allegedly issued towards payment of the outstanding sale consideration. Prima facie, therefore, each FIR discloses a separate and independent transaction culminating in the issuance and subsequent dishonour of distinct cheques, thereby constituting separate offences under Section 489-F, PPC, though the accused happens to be common in all the three cases.

7. The conduct attributed to the applicant, as reflected from the available material, prima facie indicates that he knowingly issued the subject cheques despite being fully aware that his account did not contain sufficient funds to honour the same upon presentation. Such conduct, at this tentative stage, attracts the essential ingredients of the offence punishable under Section 489-F, PPC, which criminalizes the dishonest issuance of cheques towards repayment of a loan or fulfilment of an obligation. Significantly, the applicant has neither disputed the issuance of the impugned cheques nor denied his signatures appearing thereon. Furthermore, the record reflects that the applicant is involved in four criminal cases of a similar nature, which prima facie lends support to the contention of the complainants that despite obtaining bail in one matter, he has allegedly continued to indulge in similar offences. At the stage of deciding a bail application, the Court is required to undertake only a tentative assessment of the available material and is not expected to record findings touching upon the merits of the prosecution case. It is also noteworthy that the applicant has failed to allege or establish

any specific mala fide, personal enmity, ill-will or ulterior motive on the part of any of the complainants or the investigating agency which could reasonably justify an inference of false implication.

8. It is by now a well-settled principle of criminal jurisprudence that the concession of pre-arrest bail is an extraordinary and exceptional relief which is to be granted sparingly and only where the Court is satisfied that the intended arrest of an accused is tainted with mala fide, actuated by ulterior motives, or amounts to an 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 placed before this Court to indicate that the complainants or the investigating officer acted with mala fide, personal vendetta, ill-will or any ulterior consideration so as to falsely implicate the applicant. Reliance in this regard may beneficially 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 categorically been held that pre-arrest bail is an extraordinary remedy constituting a departure from the ordinary course of criminal law relating to arrest in cognizable offences. Such concession is intended only 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. The Honourable Supreme Court has further held that since the grant of pre-arrest bail has the effect of obstructing the normal course of investigation, the burden squarely rests upon the applicant to establish through convincing material that the proposed arrest is motivated by mala fide and intended merely to humiliate or harass him. In the instant case, learned counsel for the applicant has been unable to point out any circumstance which may persuade this Court to conclude that the proposed arrest of the applicant is actuated by mala fide, personal enmity or ulterior motive.

9. For the reasons discussed hereinabove, I am of the considered view that the applicant has failed to make out a case either for confirmation of the interim pre-arrest bail or for seeking 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 in all the above-captioned bail applications vide orders dated 19.02.2026 is hereby recalled, and all the instant bail applications stand dismissed.

10. It is, however, clarified that the observations made hereinabove are purely tentative in nature, confined exclusively to the adjudication of the present bail applications, and shall not prejudice or influence the learned trial Court while deciding the case strictly on the basis of the evidence that may come on record and in accordance with law.

JUDGE

Kamran/Ps