

IN THE HIGH COURT OF SINDH AT KARACHI

Crl. Bail Application No. 1320 of 2025

Applicant : Usman Farooq Marfani
through Mr. Mujtaba Sohail Raja,
Advocate

Respondent : The State
through Ms. Robina Qadir,
Deputy Prosecutor General Sindh

Date of hearing : 04.06.2025

Date of Order : 05.06.2025

ORDER

Omar Sial, J: Usman Farooq Marfani seeks post arrest bail in Crime Number 127 of 2025, registered under section 489-F P.P.C at the Malir Cantt police station in Karachi.

2. The F.I.R mentioned above was registered on 19-04-2025 on the complaint of Sheikh Muhammad Azhar. Sheikh reported that he is into the construction business and had purchased two flats in Mateen Complex Studio, from the applicant, for a total price of PKR 3.8 million. It is alleged that neither did Usman get the flight or his money back. Upon Usmans demand the applicant gave him three cheques which bounced when presented at the banks counter for clearance. I have heard the learned counsel for the applicant, and the deputy prosecutor general. Notices were issued to the complainant, however, he failed to effect an appearance. My observations and findings are as follows.

3. An offense under section 489-F P.P.C carries a potential sentence of three years, and although not bailable, falls within the non prohibitory clause of section 497 Cr.P.C. Keeping in view the principals laid down in Tariq Bashir and five others vs

The State (PLD 1995 SC 34) in mind, I do not see any extraordinary or exceptional grounds to deny the applicant bail.

4. The deputy prosecutor general confirms that apart from the cheque in question, no other document is on the police file that would reflect the reason for the issuance of these cheques. It will have to be seen at trial whether the cheques in question were issued by the applicant (as currently he denies the issuance) and whether they were issued for the satisfaction of a loan or fulfillment of an obligation, as required by Section 489-F. Section 489-F does not create an offense of strict liability, hence, the mens rea of dishonesty will have to be proved after evidence is lead at trial.

5. Given the above, the applicant is admitted to post arrest bail, subject to his furnishing a surety in the amount of PKR 500,000 and a P.R. bond in the like amount to the satisfaction of the Nazir of this court.

JUDGE