

IN THE HIGH COURT OF SINDH AT KARACHI

BA No. 2771 of 2025

Applicant : Muhammad Asghar S/o. M. Sagheer
Through Mr. Zulfiqar Ali Shaikh, Advocate

Respondent : The State
Through Ms. Rubina Qadir, Addl.P.G Sindh
assisted by Muhammad Khalil Dogar,
Advocate a/w complainant Nadeem
Ahmed.

Date of hearing : 12.11.2025.

Date of order : 12.11.2025.

ORDER

Jan Ali Junejo, J.— Applicant Muhammad Asghar seeks post-arrest bail in a case bearing Crime No. 336/2025, for offence under section 489-F PPC of P.S Malir Cantt. Karachi. Prior to this, the applicant had sought the same relief before the learned Sessions Judge, Malir at Karach, which was declined vide order dated 29.09.2025.

2. The facts relevant to the present criminal bail application are as follows:

“Complainant Nadeem Ahmed, proprietor of Khushno Poultry Farm, entered into a business arrangement with the applicant in 2023 under which eggs were supplied in exchange for payment by cheque. Over the course of the relationship, a series of twelve cheques drawn on UBL Bank, Malir Cantt. Branch, account No. 128801011204, totalling Rs. 40,00,000 were presented, several of which were dishonored on grounds of insufficient funds or account closure. The complainant alleges that despite repeated demands and assurances by Muhammad Asghar to clear the outstanding balance, he failed to do so. A previous FIR (No. 418/2024) under the same section arose from similar conduct, in which the applicant had secured bail through a handwritten undertaking. On 13 June 2025 a cheque for Rs. 5,00,000 was dishonored, and after a delay of approximately sixty-five days, the present FIR was registered upon final dishonor of the cheque.

3. Per learned counsel for the applicant, the applicant is innocent and has falsely been implicated in this case; that the alleged has taken place on 08.09.2023 to 13.06.2025 whereas FIR was recorded on 18.08.2025 with a delay of about 65 days for which no plausible explanation has been furnished; that the offence in which the applicant has been charge does not fall within the prohibitory clause and urged that the applicant be extended the concession of bail.

4. The Addl. P. G. Sindh, while not opposing the grant of bail, recorded his no objection to the instant application in view of the statement of complainant, same is taken on record, wherein he has expressly raised no objection to the applicant being admitted to bail.

5. Notably, the complainant has since submitted a statement in which he has raised no objection to the grant of bail to the applicant. This has resulted in two conflicting versions, one set forth in the FIR and the other contained in the complainant's affidavit. Such divergence creates a situation where the veracity of the complainant's statements and his credibility can only be determined at the time of trial, after the recording of evidence.

6. In light of the above circumstances and keeping in view the principles laid down under Section 497(2) Cr.P.C., the applicant has succeeded in making out a case of further inquiry. Accordingly, the applicant is admitted to post-arrest bail upon furnishing solvent surety in the sum of Rs.500,000/- (Rupees Five Lac only) and a PR Bond in the like amount to the satisfaction of the learned trial court.

7. Before parting, it is observed that the findings recorded hereinabove are purely tentative in nature and shall not prejudice the case of either party during the course of trial. The trial Court shall evaluate the evidence independently and uninfluenced by any observation made in this order.

8. The applicant is directed to ensure regular attendance before the trial Court and shall not, in any manner, attempt to influence or interfere with the prosecution witnesses. Any violation of these conditions may entail cancellation of bail in accordance with law.

J U D G E