IN THE HIGH COURT OF SINDH AT KARACHI

Criminal Bail Application Nos.3030 of 2026

Applicant	:	Fayaz Ali son of Habib Malik *Through* *Mr. Ali Ahmed Chandio Advocate*
Respondent	:	The State *Through* Ms. Rubina Qadir, D.P.G.
Date of hearing	:	11.11.2026
Date of Order	:	11.11.2026

O R D E R

KHALID HUSSAIN SHAHANI, J. –Applicant Fayaz Ali seeks confirmation of ad-interim pre-arrest bail in Crime No.248/2022, registered under section 489-F, P.P.C., at Police Station Ferozabad, District East, Karachi, earlier declined by the learned IVth Additional Sessions Judge, Karachi East, vide order dated 08.05.2026.

2. Briefly, the prosecution alleges that one Fayaz Hussain son of Hubdar Ali obtained a loan of Rs.48,000/- from Telenor Microfinance Bank and, towards its security, issued cheque No.00625302 for Rs.90,000/-, drawn on National Bank of Pakistan, which, upon presentation, was dishonoured, resulting in registration of the FIR.

3. Learned counsel for the applicant contends that the applicant, Fayaz Ali son of Habib Malik, is altogether a different person, having distinct parentage and CNIC particulars, and has neither issued the cheque nor participated in the alleged transaction. His implication surfaced when he approached NADRA for renewal of his CNIC. Significantly, learned D.P.G., upon examination of the record, candidly acknowledged that the applicant's CNIC number had inadvertently been incorporated in the report submitted under section 173, Cr.P.C., thereby lending substantial support to the plea of mistaken identity.

4. Heard. The controversy, on a tentative appraisal, transcends a mere denial of liability and strikes at the very identity of the person sought to be prosecuted. The FIR attributes the alleged transaction to Fayaz Hussain son of Hubdar Ali, whereas the applicant is Fayaz Ali son of Habib Malik. This material discrepancy, reinforced by the unequivocal concession of the learned D.P.G. regarding erroneous incorporation of the applicant's CNIC particulars, casts serious doubt upon his nexus with the alleged offence.

Neither issuance of the disputed cheque by the applicant nor his participation in the underlying transaction has, at this stage, been prima facie established. The question of identity and criminal liability, therefore, calls for further inquiry, which cannot appropriately be resolved through a conclusive assessment of evidence at the bail stage.

5. It is equally well settled that, although pre-arrest bail constitutes an extraordinary relief, its grant is not to be defeated by a ritualistic insistence upon its exceptional character where the circumstances disclose a reasonable apprehension of misuse of criminal process. The principles reiterated by the Supreme Court in 2024 SCMR 141 are instructive. In the peculiar circumstances of the present case, particularly the prosecution's acknowledgment of mistaken identification, custodial arrest would serve no discernible investigative purpose. Nor has any material been identified suggesting that the applicant is likely to abscond, influence witnesses, tamper with evidence or obstruct the proceedings. The alleged transaction, moreover, bears a predominantly financial complexion, while the applicant's very connection therewith remains seriously questionable. The learned Sessions Court, having failed to accord due weight to these material circumstances, declined relief on considerations which cannot be sustained.

6. Consequently, this application is allowed and the ad-interim pre-arrest bail already granted to applicant Fayaz Ali son of Habib Malik is hereby confirmed on the same terms and conditions.

7. Needless to observe that the foregoing observations are purely tentative, confined to the determination of the present application, and shall not prejudice the trial Court in deciding the case independently on the evidence brought before it.

J U D G E

Shahbaz