

**IN THE HIGH COURT OF SINDH AT KARACHI**

Crl. Bail Application No. 1793 of 2024

Applicant : Muhammad Javed Malik  
through Mr. Irfan Aziz, Advocate  
along with applicant

Respondent : The State  
through Mr. Rahat Ahsan,  
Deputy Prosecutor General, Sindh

Date of hearing : 23<sup>rd</sup> September, 2024

Date of short order : 23<sup>rd</sup> September, 2024

Date of reasons : 4<sup>th</sup> October, 2024

**ORDER**

**Omar Sial, J.**: The applicant, Muhammad Javed Malik, is accused of issuing a cheque for ten million to Kashif-ur-Rehman, which bounced upon presentation. F.I.R. No. 279 of 2024 was registered under section 489-F P.P.C. at the Azizabad police station.

2. The F.I.R. reflects that Malik offered to sell a plot of land to Kashif. Kashif was aware that Malik was not the plot owner, but on assurances from a third person that the Karachi Municipal Corporation would soon lease the plot to Malik, he agreed to buy the plot. According to Kashif, he paid nearly ten million to Malik in installments, but the plot was never transferred in his name. Upon Kashif's insistence, Malik gave him a cheque of Rs. Ten million for the amounts that Kashif had paid. This is the cheque that bounced.

3. I have heard the learned counsel for the applicant and the learned Deputy Prosecutor General. The complainant opted not to make an appearance. My observations and findings are as follows.

4. Upon a tentative assessment, the very odd dealing in the plot and the money allegedly given in itself requires further inquiry. Kashif was aware that Malik did not own the plot, yet went on to give such a large sum of money to him without any receipts taken or documentation done, which is unusual and unnatural. There appears to be much more to the story than what has been alleged by the complainant. Indeed, Malik's claim that he was abducted on 08.04.2024 by Kashif and his accomplices (which included relatives of Kashif who are serving in the police), tortured, and forced to sign cheques by threatening that they would kill Malik's son, who they had also kidnapped, requires inquiry. It also appears that on 13.04.2024, the applicant lodged complaints with the police authorities regarding his abduction. I cannot exclude malafide on the part of the complainant in registering this F.I.R.

5. The learned Deputy Prosecutor General has confirmed that nothing on record shows that the cheque was given to satisfy a loan or fulfill an obligation, which are ingredients necessary for the commission of an offense under section 489-F P.P.C.

6. The punishment for an offence under section 489-F P.P.C. carries a potential sentence of three years. Though not bailable, the punishment falls within the non-prohibitory clause of section 497 Cr.P.C. I find no exceptional or extraordinary reasons to deny the applicant bail. The evidence is all documentary, and the chances of the applicant being a flight risk are remote.

7. For the above reasons, the interim pre-arrest bail given to the applicant earlier was confirmed on the same terms and conditions vide order dated 23.09.2024.

JUDGE