

IN THE HIGH COURT OF SINDH AT KARACHI

Criminal Bail Application No.1542 of 2025

Criminal Bail Application No.1543 of 2025

Criminal Bail Application No.1544 of 2025

Applicant : Imran Ali Khan S/o Sajjad Ali Khan
[in all bail applications] through Mr. Shafique Ahmed, Advocate

Respondent : For State:
through Ms. Rubina Qadir, Addl. P.G.

For complainant:
through Syed Jamil Ahmed Shah
Bukhari, Advocate a/w Complainant

Date of hearing : 04.02.2026

Date of order : 04.02.2026

O R D E R

AMJAD ALI SAHITO, J -- Through these captioned bail applications, applicant/accused seeks pre-arrest bail in Crimes No.137/2025 U/s 489-F/34 PPC at PS Johrabad, 357/2024 U/s 489-F PPC at PS Thatta and 625/2024 U/s 489-F PPC at PS Preedy.

2. The details and particulars of the FIRs are already available in the bail applications as well as memo of FIRs; therefore, the same need not to be reproduced.

3. Per learned counsel for the applicant, applicant is innocent and has falsely been implicated in this case by the complainant with malafide intention; that in fact applicant has no business relationship with the complainant nor he has paid any consultancy fee in terms of cheques; that the complainant is a practicing Advocate and as such, he has involved the applicant in various cases of similar nature. He further argued that the applicant is attending the Court and has not misused the case. Lastly, he prays for confirmation of bail.

4. On the other hand, learned counsel for the complainant submits that the applicant has directly approached this Court without exhausting opportunity to file the bail applications before the trial Court; that though the complainant is a practicing

Advocate but prior to this, he was an employee of the National Bank of Pakistan and he has invested huge amount with the applicant which he received after the golden handshake. Learned Addl. P.G. also supports the version of the learned counsel for the complainant.

5. Heard arguments and perused the record.
6. From the perusal of the record, it transpires that the complainant is an Advocate by profession and a retired employee of the National Bank of Pakistan. He invested a substantial amount with the applicant, and in consideration thereof, the applicant issued several cheques, namely: Cheque No. 99739443 for Rs. 62 lacs; Cheque No. 61562470 for Rs. 20 lacs; Cheque No. A53746415 for Rs. 62 lacs; Cheque No. A53746398 for Rs. 20 lacs; Cheque No. A53146395 for Rs.40 lacs; and Cheque No. A53746394 for Rs. 20 lacs. However, upon presentation, all the aforementioned cheques were dishonoured on the ground of "insufficient funds." Hence, the essential ingredients of Section 489-F PPC are *prima facie* attracted in the present case. Moreover, the applicant knowingly issued the said cheques despite being fully aware that sufficient funds were not available in his account, thereby also committing the offences of cheating and fraud against the complainant. The applicant has neither denied the issuance of the cheques nor disputed his signatures thereon.
7. As regards the contention of the learned counsel for the complainant that the applicant directly approached this Court, the learned counsel for the applicant has merely asserted that due to apprehension of arrest and humiliation at the hands of lawyers at the City Court, the applicant approached this Court directly; however, no documentary evidence has been produced in support of this claim. At the bail stage, only a tentative assessment of the material on record is required. No *mala fide*, ill-will, or prior enmity has been alleged or shown on the part of the complainant that could justify false implication of the applicant in the present case.
8. Further, the concession of pre-arrest bail cannot be allowed to an accused person unless the Court feels satisfied with the seriousness of the accused person's assertion regarding his intended arrest being actuated by *mala fide* on the part of the

complainant party or the local police but not a word about this crucial aspect of the matter is found as no *mala fide* is made on the part of the complainant to believe that the applicant/accused has been implicated in this case falsely. In this context, the reliance is placed to the case of '**Rana Abdul Khaliq v. The STATE and others**' [2019 SCMR 1129]. In addition to the above, I would like to mention that grant of pre-arrest bail is an extraordinary remedy in criminal jurisdiction; it is a diversion of the usual course of law, arrest in cognizable cases; protection to the innocent being hounded on trump up charges through abuse of process of law, therefore, an applicant seeking judicial protection is required to reasonably demonstrate that intended arrest is calculated to humiliate him with taints of *mala fide*, it is not a substitute for post-arrest bail in every run of the mill criminal case as it seriously hampers the course of the investigation.

9. In view of the above, learned counsel for the applicant has failed to make out a case for grant of bail in subsection 2 of Section 497 Cr.P.C. Resultantly, all three bail applications are **dismissed**. The interim pre-arrest bail granted to the applicant/accused in all these bail applications vide order dated 11.06.2025 is hereby recalled.

10. Needless to mention here that the observations made hereinabove are tentative in nature and would not influence the learned trial Court while deciding the case of the applicant/accused on merits.

JUDGE

Kamran/PS