

IN THE HIGH COURT OF SINDH AT KARACHI

Criminal Bail Application No.3003 of 2025

Applicant : Faisal Iqbal son of Hayat Muhammad
Through: Mr. Abdul Monem,
advocate

Complainant : Muhammad Farrukh Rahat
Through Mr. Ghulam Asghar Jutt,
advocate

The State : The State: Through Ms. Seema Zaidi,
Additional Prosecutor General Sindh

Date of hearing : 27.02.2026

Date of Order : 27.02.2026

ORDER

Jan Ali Junejo, J:-- The applicant, namely Faisal Iqbal son of Hayat Muhammad, is present on ad-interim pre-arrest bail. Through this application under Section 498 Cr.P.C., he seeks pre-arrest bail in Crime No.321 of 2023 registered at Police Station Sukhan, District Malir, Karachi, for the alleged offence under Section 489-F PPC. The Applicant approached the Sessions Court through B.A. No.5154 of 2025, which was dismissed by the Court of learned VIIIth Additional Sessions Judge, Malir, Karachi vide Order dated: 31-10-2025.

2. Briefly stated, as per the contents of the FIR lodged by complainant Muhammad Farrukh Rahat, it is alleged that the complainant was working as Manager of Crown Feed Company and had supplied poultry feed to the applicant on credit basis. It is alleged that after partial payment an outstanding amount of Rs.2,605,923 remained payable, for which the applicant allegedly issued eleven cheques of different amounts drawn on Meezan Bank. The complainant deposited the said cheques in the company's bank account maintained at Bank Al-Habib, Cattle Colony Branch, Karachi, but the same were dishonoured upon presentation on

22.06.2021. Consequently, the above FIR was lodged on 19.07.2023 against the applicant for the offence under Section 489-F PPC.

3. Learned counsel for the applicant contended that the applicant is innocent and has been falsely implicated with mala fide intention. He submitted that the dispute arises out of business dealings between the parties regarding supply of poultry feed and thus the matter is essentially of civil nature. It was further argued that there is an unexplained delay of about twenty-five months in lodging the FIR; that even according to the complainant partial payment had already been made; that the cheques in question were issued merely as security cheques in the course of business transactions; and that there are discrepancies between the alleged outstanding amount and the total amount mentioned on the cheques. Learned counsel further submitted that the Crown Feed Company had already ceased operations due to bankruptcy in the year 2021 and the complainant, who was merely a manager, has misused the security cheques to pressurize the applicant. He also pointed out that no recovery or civil proceedings have been initiated against the applicant and that the challan has already been submitted. It was therefore prayed that the ad-interim pre-arrest bail already granted to the applicant may be confirmed.

4. Conversely, learned Additional Prosecutor General for the State, assisted by learned counsel for the complainant, opposed the bail application and argued that the applicant issued eleven cheques towards payment of poultry feed supplied by the complainant's company and the said cheques were dishonoured upon presentation due to insufficient funds. It was contended that the ingredients of Section 489-F PPC are clearly attracted and the applicant has committed cheating and fraud with the complainant. They further argued that pre-arrest bail is an extraordinary relief which can only be granted when mala fide on the part of the complainant or police

is established, whereas no such circumstance exists in the present case. They therefore prayed that the bail application be dismissed.

5. I have heard the learned counsel for the parties at considerable length and have perused the available record with their able assistance. At the bail stage only a tentative assessment of the material available on record is to be made without touching the merits of the case in depth. From the perusal of the record it appears that the dispute between the parties admittedly arose out of business transactions relating to supply of poultry feed. Even the complainant in the FIR has admitted that partial payment had already been made by the applicant and the remaining amount was allegedly outstanding. The existence of prior business dealings between the parties prima facie indicates that the matter requires deeper probe and adjudication during trial. It is also a noticeable circumstance that the cheques in question were allegedly dishonoured on 22.06.2021 whereas the FIR was lodged on 19.07.2023, showing a delay of about twenty-five months. No plausible explanation for such an inordinate delay is available on record. Such delay, at least tentatively, creates doubt regarding the prosecution story and calls for further inquiry within the meaning of Section 497(2) Cr.P.C. Another important aspect of the case is that there appears to be discrepancy between the alleged outstanding amount mentioned in the FIR and the aggregate amount of the cheques. Furthermore, the record shows that the dispute relates to financial liability arising out of commercial dealings, and no civil recovery proceedings appear to have been initiated by the complainant or the concerned company. These circumstances, coupled with the fact that the challan has already been submitted and the offence under Section 489-F PPC does not fall within the prohibitory clause of Section 497 Cr.P.C., further strengthen the case of the applicant for confirmation of bail.

6. Needless to observe that the grant of pre-arrest bail requires the court to examine whether the arrest of an accused appears to be motivated by mala fide or intended for harassment. In the peculiar facts and circumstances of the present case, particularly the long and unexplained delay in registration of the FIR and the nature of the dispute arising out of business dealings, it cannot be ruled out at this stage that the matter requires further inquiry. In case where bail was granted in an offence under Section 489-F, P.P.C. i.e., *Ali Anwar Paracha v. The State and another* (2024 SCMR 1596), the Honourable Supreme Court of Pakistan held that: *"In this view of the matter, the question whether the cheque was issued towards fulfilment of an obligation within the meaning of section 489-F, P.P.C. is a question, which would be resolved by the learned Trial Court after recording of evidence. The petitioner is behind the bars since his arrest. The maximum punishment provided under the statute for the offence under section 489-F, P.P.C. is three years and the same does not fall within the prohibitory clause of section 497, Cr.P.C. It is settled law that grant of bail in the offences not falling within the prohibitory clause is a rule and refusal is an exception"*. In another similar offence under Section 489-F, P.P.C., in the case of *Muhammad Anwar v. The State and another* (2024 SCMR 1567), the Honourable Supreme Court of Pakistan was pleased to grant bail by observing that: *"In view of the above, the question whether the cheques were issued towards repayment of loan or fulfilment of an obligation within the meaning of Section 489-F, P.P.C. is a question, which would be resolved by the learned Trial Court after recording of evidence. The maximum punishment provided under the statute for the offence under Section 489-F, P.P.C. is three years and the same does not fall within the prohibitory clause of Section 497, Cr.P.C. It is settled law that grant of bail in the offences not falling within the prohibitory clause is a rule and refusal is an exception"*.

7. For the foregoing reasons, this Criminal Bail Application is allowed. Consequently, the ad-interim pre-arrest bail granted to the applicant, namely Faisal Iqbal son of Hayat Muhammad, in Crime

No.321 of 2023 registered at Police Station Sukhan, District Malir, Karachi, for the offence punishable under Section 489-F PPC vide order dated 03.11.2025 is hereby confirmed on the same terms and conditions. It is, however, observed that the findings recorded herein are tentative in nature, made solely for the purpose of deciding the present bail application, and shall not prejudice the case of either party during the course of trial.

These are the detailed reasons for the Short Order dated 27.02.2026.

JUDGE