IN THE HIGH COURT OF SINDH AT KARACHI

Criminal Bail Application No. 3545 of 2026

Applicant	:	Syed Ghazanfar Hussain Taqvi S/o. Syed Muzaffar Hussain Taqvi Through Mr. Hafiz Danish Abdul Razzaq Warsi Advocate
Complainant	:	Ghulam Arif Khan son of Ghulam Sarwar Khan through: Mr. Talal Wasif Qavi, advocate.
The State	:	Through Mr. Ali Anwar Kandhro, APG.
Date of hearing	:	27.10.2026.
Date of order	:	27.10.2026.

O R D E R

***Jan Ali Junejo*, J.**— Through this application under Section 497 Cr.P.C., the applicant/accused Syed Ghazanfar Hussain Taqvi son of Syed Muzaffar Hussain Taqvi seeks post-arrest bail in case FIR No.307/2026 registered at P.S. New Town for offences punishable under Sections 489-F PPC. The applicant has challenged the order dated 12.10.2026 passed by the learned Additional Sessions Judge-VI, Karachi East, whereby his bail application was dismissed.

2. As per the contents of the FIR, the complainant stated that he is a retired government employee residing at the address mentioned in Column No. 2 of the FIR and that he had advanced a sum of Rs. 6,00,00,000/- to his friend, namely Dr. Ghazanfar, on different occasions, who was also engaged in the construction business. The complainant further alleged that, upon demanding repayment of the said amount, Dr. Ghazanfar issued him cheque No. 58385990, dated 15.03.2026, for a sum of Rs. 4,07,30,000/-, drawn on JS Bank, Bahadurabad Branch, Karachi. The complainant claimed that when he deposited the said cheque into his bank account on 31.07.2026, it was dishonoured and returned unpaid; hence, he sought legal action against Dr. Ghazanfar for issuing the dishonoured cheque, hence, this FIR.

3. Learned counsel for the applicant contended that the applicant is innocent and has been falsely implicated in the instant case by the complainant; that applicant and complainant are close friends having family and business relations, and several financial and property dealings between them remain unsettled. He submitted that the cheque book of the

applicant's account maintained with JS Bank, Bahadurabad Branch, Karachi, was already in the complainant's custody and that the applicant had stopped the operation of the account, which is evident from the bank statement showing no transactions after August 2024. He further argued that the cheque was neither issued nor handed over by the applicant towards repayment of any loan or fulfillment of a lawful obligation, and alleged that it was subsequently filled in and presented by the complainant with mala fide intention. He pointed out that the FIR was registered on 11.09.2026, whereas the complainant's notice seeking settlement was issued on 14.09.2026, which, according to him, reflects mala fides. Learned counsel maintained that the parties have several inter se claims arising out of their business dealings, rendering the matter primarily civil in nature, and that the essential ingredients of Section 489-F PPC, particularly dishonest issuance of the cheque towards repayment of a loan or fulfilment of an obligation, are not prima facie established. He placed reliance upon the judgment reported as 2023 SCMR 2122 and contended that the matter requires further inquiry under Section 497(2) Cr.P.C. He further submitted that the applicant is suffering from renal disease, has received treatment at the Kidney Centre, Karachi, and is unable to move properly due to swelling in his feet, but the learned trial Court dismissed his bail application without obtaining a proper medical report or directing his medical examination. He lastly argued that the impugned order reflects non-consideration of the material facts, legal submissions and cited authorities, while no reasonable grounds exist to believe that the applicant committed the alleged offence; therefore, he prayed that the impugned order be set aside and the applicant be granted bail.

4. Learned counsel for the complainant submitted that the matter has been amicably resolved between the parties and that the complainant has sworn an affidavit expressing no objection to the grant of bail to the applicant. He, therefore, stated that he has no objection if the applicant is admitted to bail in the circumstances.

5. Conversely, the learned Addl. Prosecutor General Sindh formally opposed the grant of post-arrest bail to the applicant/accused.

6. I have heard learned counsel for the applicant, the learned Assistant Prosecutor General Sindh for the State, and have examined the material available on record.

7. I have carefully examined the material available on record and considered the submissions advanced by learned counsel for the parties.

8. The allegation against the applicant pertains to the dishonour of a cheque allegedly issued towards repayment of an amount claimed by the complainant. However, learned counsel for the applicant has raised questions regarding the circumstances in which the cheque came into the complainant's possession, the nature of the financial and property dealings between the parties, and whether the cheque was issued by the applicant towards the discharge of a legally enforceable obligation. These aspects require assessment in the light of the evidence to be recorded at trial. More importantly, learned counsel for the complainant has categorically stated that the dispute has been amicably resolved between the parties and that the complainant has sworn an affidavit expressing no objection to the grant of bail to the applicant. Although such settlement and no-objection affidavit do not, by themselves, determine the applicant's entitlement to bail or extinguish the criminal liability, they constitute relevant circumstances to be considered alongside the other facts of the case. The learned Additional Prosecutor General Sindh has opposed the grant of bail; however, no overriding circumstance has been pointed out at this stage that would justify further incarceration of the applicant, particularly when the matter requires further examination during trial, therefore, I am of the tentative view that the applicant has made out a case for the grant of post-arrest bail.

9. For the foregoing reasons, this Criminal Bail Application is allowed and the applicant/accused Syed Ghazanfar Hussain Taqvi son of Syed Muzaffar Hussain Taqvi is admitted to post-arrest bail, subject to furnishing solvent surety in the sum of Rs. 2,00,000/- (Rupees Two Lac only) and a P.R. bond in the like amount to the satisfaction of the learned trial Court.

10. Needless to observe that the observations made hereinabove are tentative in nature and shall not prejudice either party at the trial.

J U D G E