

HIGH COURT OF SINDH, CIRCUIT COURT HYDERABAD

Cr. Bail. Application No.S-462 of 2026
[Orangzaib versus The State]

Applicant by: Mr. Saeed Ahmed Janwri advocate
Complainant by: Mr. Aroon Kumar advocate
State by: Mr. Siraj Ahmed Bijarani A.P.G
Date of hearing 08.06.2026
Date of Order 08.06.2026

ORDER

TASNEEM SULTANA, J: Through this Crl. Bail Application, the applicant Orangzaib seeks pre-arrest bail in Crime No.161 of 2026 registered at Police Station Qasimabad C.P Naseem Nagar Hyderabad under Section 489-F, 506/2 and 34 PPC. His earlier bail application for the same relief being Crl. Bail Application No.916 of 2026 has been declined by the Additional Sessions Judge-III Hyderabad vide order dated 10.04.2026.

2. The facts of the FIR find sufficient mention in memo of bail application, therefore, in view of the case law reported in PLD 2014 SC 458, there is no need to reproduce the same for the sake of brevity and in order to avoid repetition. However, the allegation against the present applicant is that a cheque was issued from his account that become dishonoured on presentation before the concerned Bank and then allegedly the present applicant alongwith co-accused issued threats of dire consequences to complainant party.

3. Learned counsel for the applicant contends that applicant is innocent and has been falsely implicated in present crime; that there is inordinate delay of about 09 months in registration of FIR; that there is no business transaction between applicant/accused and complainant; that the cheque in question was misplaced, that has been misused by three

different persons and lastly by the present complainant; that such fact finds support from the fact that cheque is not in the name of present complainant; that co-accused has been granted bail by the trial Court as such applicant/accused is entitled for same relief on the rule of consistency.

4. Learned Deputy Prosecutor General, duly assisted by the complainant's counsel, opposed the bail; however, concedes that the account, from whom the cheque was allegedly issued, is in the name of 'Aurangzeb Construction Company' instead of in the name of present applicant/accused individually coupled with the fact that the same was not even issued in the name of present complainant.

5. Heard and record perused.

6. It is a well-settled principle of law that at the stage of bail the Court is not to undertake a deeper appreciation of evidence, but only a tentative assessment of the available material to determine whether a prima facie case for grant of bail is made out. Keeping this principle in view, the record has been examined.

7. Perusal of the record reflects that the prosecution case arises out of a business transaction relating to the supply of construction material, whereby the complainant has alleged that an amount of Rs.20,33,000/- was outstanding against Nawab Khan Mari and that cheque No. SSHR30008755 for an amount of Rs.20,00,000/- was issued towards discharge of such liability. The cheque in question appears to have been issued from an account maintained in the name of "Aurangzaib Construction Company". It further appears from the contents of the FIR itself that the cheque was allegedly handed over to the complainant by Nawab Khan Mari and not by the present applicant/accused. Admittedly, the said Nawab Khan Mari has already been admitted to bail by the

learned trial Court through the impugned order.

8. It further appears from the record that the cheque in question was issued in favour of M/s Rahat Petroleum and not in the name of the complainant. The legal effect of the authority letter subsequently executed in favour of the complainant and the extent of his entitlement to initiate proceedings on the basis thereof are matters which require determination after recording evidence before the learned trial Court.

9. It also appears from the record that the cheque in question was allegedly presented before the bank and dishonoured during June and July, 2025, whereas the FIR came to be registered on 01.04.2026 pursuant to an order passed by the learned Sessions Court. Thus, there appears to be considerable delay in setting the criminal law into motion and no satisfactory explanation for such delay is forthcoming from the material presently available on record. The effect of such delay upon the prosecution case is also a matter requiring examination during trial.

10. So far as the allegations regarding criminal intimidation are concerned, the same are yet to be substantiated through legally admissible evidence. The authenticity, admissibility and evidentiary value of the alleged CCTV footage and recordings can only be assessed after the same are formally produced and proved in accordance with law before the learned trial Court. At this stage, any definitive observation regarding the truthfulness or otherwise of such allegations would be premature.

11. Moreover, the offences alleged against the applicant/accused do not fall within the ambit of the prohibitory clause of section 497, Cr.P.C. No recovery is required to be effected from the applicant/accused, nor has it been shown that his custodial interrogation is necessary for any further investigation. The material presently available on record raises arguable questions regarding the issuance of the cheque, the entitlement of the

complainant to initiate proceedings on the basis thereof and the effect of the delay in registration of the FIR, all of which require deeper examination at trial and, thus, call for further inquiry within the contemplation of section 497(2), Cr.P.C.

12. Above are the reasons of my short order dated 08.06.2026 whereby this bail application was allowed and the interim pre-arrest bail granted to the applicant/accused was confirmed on the same terms and conditions.

13. It is, however, clarified that the observations made herein are tentative in nature and shall not prejudice the learned trial Court in deciding the case strictly on its own merits and in accordance with law.

JUDGE