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ORDER-SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT LARKANA
Crl. Bail Apnl. No. S- 55 of 2017.

Date of hearing	Order with signature of Judge
10.03.2017.	

FOR HEARING.

Applicants present in person.
Mr. Sardar Ali Rizvi, A.P.G.

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Through this bail application, applicants Mansoor Ahmed and Ghulam Murtaza have sought their admission on pre-arrest bail in Crime No.172/2016 registered with P.S Thull, for offence punishable under Sections 353,337-Ai,Fi,504,506/2 and 462-C P.P.C.

The crux of prosecution case as unfolded in the F.I.R are that the complainant Gulzar Ahmed is Station Manager in Sui Gas Company and on 24.10.2016 at 1800 he appeared at P.S Thull and lodged F.I.R to the effect that as usual he alongwith his subordinate staff namely Saleem Khan Duty Meter Reader, Muhammad Muqeem Head Helper and Driver Imamuddin Golo were visiting in Thull town, during visit at about 1130 hours when reached the house of accused Masood Ansari situated in Anaj Mandi Muhalla, saw the door of house of accused was open and inside the house found accused namely Masood Ahmed, Mansoor Ahmed, Sadaruddin all by caste Ansari, Murtaza Abbasi through illegal Sui Gas connection were running engine. The complainant party forbade them but the accused persons extended abuses and caused kicks and fist blows, complainant party raised cries. Thereafter accused Masood Ansari took out TT pistol form folds of his shalwar pointed at and directed complainant party as if an F.I.R or complaint is made they will cause the murder of complainant party and then accused persons went away. The complainant found injuries on left eye, nose and chest. The complainant party then approached police station the complainant conveyed such information to his higher officers, obtained letter went to hospital and after treatment and seeking letter of Department the complainant appeared at Police station and lodged instant F.I.R.

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Applicants mainly submitted that they are innocent and have falsely been implicated in this case due to enmity and to achieve ulterior motives; that all the witnesses are employees of the company, therefore, they are interested in the case; that nobody had seen any of the accused including present applicant while installing illegal connections and that the offence with which the applicants stand charged does not fall within prohibitory clause of Section 497 Cr.P.C. They lastly submitted that the applicants have joined the trial and attending the trial Court regularly and that no purpose would be served, if their bail plea is refused and they are taken into custody.

Learned APG appearing for the State after perusing the material/police papers did not oppose grant of bail on the ground that the case against applicant does not involve any capital punishment or even upto ten years.

I have heard the arguments of both the parties and have gone through the material made available before me.

Perusal of record shows that, no doubt, applicant stands nominated in the F.I.R, but nowhere it is mentioned in the F.I.R that anybody had seen any of accused including present applicants while installing illegal connection in gas pipeline. Furthermore, nobody from the village has been cited as witness and the witnesses cited in the case are employees of the company. The offence with which the applicants are charged does not exceed limits of prohibitory clause of Section 497 Cr.P.C. It is well settled principle of law that the bail cannot be withheld as premature punishment. The case stands challaned and applicants are attending the trial Court regularly. In circumstances, I am fortified with the dictum laid down by Hon'ble Supreme Court of Pakistan in case of *Muhammad Shafique and another v. The State and others* vide 2017 SCMR 79. Therefore, the case against applicants also requires further enquiry in terms of section 497(2)Cr.P.C.

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In view of above circumstances, the applicants have been able to make out a case for bail. Consequently, interim pre arrest bail granting order dated 09.02.2017 is hereby confirmed on same terms and conditions.

The application stands allowed.

  
JUDGE 03.17

S.Ashfaq