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ORDER-SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT LARKANA
Crl. Bail Appln. No. S- 266 of 2016.
Crl. Bail Appln. No. S- 154 of 2017.
Crl. Bail Appln. No. S- 225 of 2017.

Date of hearing

Order with signature of Judge

06.12.2017.

Mr. Ahmed Bux Abro, Advocate for applicants in Crl. Bail Appln. No. S- 266/2016.

Mr. Javed Ahmed Gopang, Advocate for applicants in Crl. Bail Appln. No. S- 154 and 225 of 2017.

Mr. Muhammad Hashim Soomro, Advocate for complainant.

Mr. Sardar Ali Rizvi, D.P.G.

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**Muhammad Saleem Jessar, J:** This common order will dispose of captioned bail applications, as these are arisen out of same crime. These bail applications are filed on behalf of applicants Abdul Ghani, Liaquat Ali, Abdul Wahab, Aijaz Ali and Shahan in Crime No.01/2016 registered with P.S Dhamra, (District Larkana), under Sections 462-C & 427 PPC.

The crux of prosecution case as unfolded in the F.I.R registered by complainant Bisharat Ali Bhutto the Deputy Assistant, SSGC Larkana; the applicants are alleged to have committed a tempering with Gas Pipeline and caused damage to it in village Palio Khan Gopang in order to use gas connection illegally for domestic purpose.

Learned counsel for the applicant mainly submitted that both the prosecution 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 applicant stands charged does not fall within prohibitory clause of Section 497 Cr.P.C. Learned counsel lastly submitted that the applicant, who is on interim pre-arrest bail has already joined the trial and attending the trial Court regularly and that no purpose would be served, if his bail plea is refused and he is taken into custody. In support of his contentions the learned counsel has placed his reliance upon case of *Muhammad Ramzan v. Zaffarullah and others* (1986 SCMR 1380).



Learned Advocate for complainant opposed the grant of bail on the ground that the applicant stands nominated in the F.I.R. with their names, parentage and the role of stealing gas.

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, applicants stand 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. And it is well settled principle of law that even in cases falling within prohibitory clause the bail cannot be withheld as premature punishment. The case stands challaned and as per statement of the learned counsel at the bar, the applicants have already joined the trial and attending the trial Court regularly. In this regard, I am fortified with the dictum laid down by Hon'ble Apex Court in case of *Muhammad Shafique and another v. The State and others* (2017 S.C.M.R 79).

In view of above circumstances, the applicants have been able to make out a case for bail in their favour. Consequently, interim pre arrest bail granting order dated 24.05.2016 passed in CrI. Bail Appln. No. S- 266 of 2016, order dated 26.04.2017 passed in CrI. Bail Appln. No. S- 154 of 2017 and order dated 01.06.2017 passed in CrI. Bail Appln. No. S- 225 of 2017, are hereby confirmed on same terms and conditions.

JUDGE

26/12/2017

Ausari/