

ORDER SHEET IN THE HIGH COURT OF SINDH, KARACHI

Criminal Bail Application No.1763 of 2018

Date Order with signature(s) of Judge(s)

For hearing of bail application.

14.02.2019

Mr. Muhammad Aslam, advocate for the applicant.
Malik Sadaqat Khan, Special Prosecutor SSGC.

NAZAR AKBAR, J. The applicant is facing trial in Crime/FIR No.40/2018 under Sections 15/24/34 Gas Theft Control and recovery Act, 2016 registered at P.S. SSGC, Karachi. The applicant after failing to obtain post arrest bail from the Court of Sessions Judge, West Karachi, preferred this bail application.

2. Brief facts of the case as spelt out from the FIR are that on 18.11.2018 at about 2310 hours, complainant Rahim Bux, Deputy Manager, SSGC alongwith Sui Southern Gas Team was on patrolling duty for eradication of theft of Sui gas, when they received spy information that at Tharo Mangal Goth, Muslim Town, Sector V, Near Ghlshan-e-Maymar, Gadap Town, Karachi some persons had excavated the land with intention to purloin the sui gas from auxiliary line. On such information, they reached at venue of occurrence and found some persons busy in excavating and tempering with sui gas line, however, on seeing them, they made their escape good but one of them was apprehended. On enquiry, he disclosed his name as Abdul Rahim (the present applicant) and also disclosed that he is employee of SSGC being meter reader and doing this under the directives of Rabnawaz, thereafter FIR was lodged against both of them.

3. The counsel for applicant contended that the applicant/ accused is innocent and has been falsely implicated in this case with malafide intention and ulterior motives. He further contended that the applicant/accused is employee of SSGC and performing his duties as meter reader for last 17 years and there was some dispute between the applicant and complainant, therefore, the complainant connected him in this false case. He argued that the co-accused has already been granted by the trial Court, therefore, applicant may also be granted bail.

4. Conversely, learned Special Prosecutor, SSGC for the State has opposed the bail application.

5. I have considered the arguments advanced by the counsel for the parties and examined the contents of FIR and challan. I have noted from the record as follows:-

- (i) The contents of FIR are silent about tempering with the gas pipeline by the applicant;
- (ii) From perusal of FIR it reveals that several peoples were gathered on the spot but no private witness has been associated in the FIR.

6. The above grounds are enough to admit the applicant/accused on bail, consequently, instant bail application is allowed. The applicant Abdul Rahim son of Allah Bux is admitted to bail subject to furnishing solvent surety in sum of **Rs.50,000/-** (Rupees Fifty thousand) and PR bond in the like amount to the satisfaction of the learned trial Court.

7. Needless, to mention here that the observations made hereinabove are tentative in nature and should not influence trial Court while deciding the case of the applicant/accused.

JUDGE

Ayaz Gul