

IN THE HIGH COURT OF SINDH, KARACHI

Cr. Bail Application No. 13 of 2020

APPLICANT : Sohail Uddin s/o Moin Uddin,
through Mr. Amir Nawaz, Advocate.

RESPONDENT: The State,
through Mr. Malik Sadaqat Ali Khan,
Spl. Prosecutor, SSGC.

Hearing on : 27.02.2020.

Decided on : 27.02.2020.

ORDER

ABDUL MOBEEN LAKHO, J.- Being aggrieved and dissatisfied by the impugned order dated 23.12.2019 passed by the Sessions Judge Karachi-East in Cr. Bail Application No. 4601/2019 whereby the pre-arrest bail of the present applicant was dismissed, the applicant/ accused has approached this Court seeking bail.

2. Briefly stated, the facts of the prosecution case as narrated in the FIR are that on 18.12.2019 at 1100 hours, Mehmood-ul-Haq Ghouri, Engineer of SSGC, Karachi he alongwith Sui Gas Team comprising of Muhammad Yousuf, the Supervisor Inspector SSGC, Technical Staff and police party of P.S SSGC, Karachi reached at Plot No. 917, Shabana Town, Malir, Saudabad, Karachi, where a factory of plastic bit having water tanks was being run on sui gas while purloining gas directly through rubber pipe from Auxiliary line of sui gas. Such illegal connection was removed by the Sui Gas team. From the spot, an iron pipe of 6/16 feet, a rubber pipe of 30/40 feet, plastic pipe about 210 feet, PVC plastic pipe about 20 feet, another plastic pipe about 24 feet were taken into possession. On enquiry, complainant party came to know that owner of the plot and factory were Sohailuddin and Malak Asad. Hence, the FIR.

3. **Mr. Amir Nawaz, Advocate**, representing the applicant/accused contended that applicant/accused is innocent and has been involved by the SSGC officials with the collusion of police only to show their efficiency in the eyes of high-ups with malafide intention; that the complainant foisted the recovery and implicated the innocent accused person, it is submitted that nothing has been recovered from the applicant/accused and even the alleged place of incident was not in possession of present applicant/accused, as the said place was rented out by the present applicant/accused to the alleged co-accused namely Malik Asad Ali Khan; that on the alleged place of incident, there is Ice Factory, not a Plastic Fiber Karkhana, which is on the name of mother of present applicant/accused but the officials with malafide intention and ulterior motives mentioned the wrong address; that the SSGC company made Provisional Claim of Rs.26,55,100/= which has nothing to do with the present applicant/accused as if they had any claim, then it would be against co-accused and the present applicant will challenge the same at appropriate forum by filing the Civil Suit; that it has also come into the knowledge that one person namely Rana Sadiq used his influence with the complainant and falsely with malafide intention implicated the present applicant/accused in above mentioned case with the collusion of area police as well as SSGC officials, as the present applicant/accused namely Sohail Uddin already lodged FIR No.122/2019 in P.S. Sukhan against the said Rana Sadiq, who is land grabber, who just want to usurp plot of present applicant by hook or bycrook; that the prosecution miserably failed to associate any private witness from the alleged place of incident despite the fact that the alleged place of incident it thickly populated area but prosecution failed to comply the mandatory provision of section 103, Cr.P.C., which shows the falsehood of the prosecution and probe the matter for further inquiry; that the alleged offence does

not fall under the prohibitory clause of 497 Cr.P.C. and it is well settled principle of law that in such like cases grant of bail is rule; that the police official continuously raiding at the house of the present applicant/accused and there is great apprehension that if he is arrested by the hand of police, they might be maltreated and tortured and humiliated; that the applicant is respectable citizen of Pakistan and the police malafidely want to arrest and disgrace the dignity and liberty of the present applicant without any cause and justification; that the concerned Investigation Officer raided at the house, but luckily he was not present at his house; that the applicant is ready to cooperate with the investigation officer for investigation in above case; that the applicant/ accused is ready to deposit the liability amount i.e. Rs.26,55,100/- in installments, out of which, Rs.500,000/- vide pay order No.01805427 dated 29.01.2020 has deposited, copy of said pay order alongwith application, available in Court file, at (Page-01 to 03) as well as also ready to furnish solvent to entire satisfaction of this Hon'ble Court.

4. Mr. Malik Sadaqat Ali Khan, Special Prosecutor, SSGC, representing the State recorded his no objection for grant of bail to the applicant/accused, if applicant is ready to deposit the liability amount in installments.

5. I have heard the learned counsel for the applicant/accused and Special Prosecutor, SSGC and perused the material available on record.

6. When they raided the subject premises upon information where fiber water tanks were being manufactured. The raiding party upon checking found one bhatti which was running using the illegal direct connection through a steel pipe for melting plastic. The technical staff after disconnecting the gas connection recovered (1) one yellow color

30/40 feet in the pieces, (2) One iron pipe in two pieces 16/16 feet, (3) plastic pipe yellow color 210 feet, (4) PVC plastic pipe white color 20 feet in different pieces and (5) plastic pipe red color 24 feet and left behind one bhatti and one water tank as both the articles were heavy, all was recovered from a running manufacturing karkhana but the strange fact is that the raw manufacturing material and finished or unfinished product was not recovered from the premises/karkhana which makes the case of the present accused of further inquiry.

7. In view of the foregoing, learned counsel for the applicant has made out a case of further enquiry within the meaning of subsection 2 of section 497. Therefore, interim pre-arrest bail granted to the applicant/accused by this Court vide order dated 03.1.2020 is hereby confirmed on the same terms and conditions. The applicant/accused shall attend the trial Court.

This Criminal Bail Application stands disposed of in the same terms.

JUDGE

Jamil Ahmed / P.A