

ORDER SHEET  
IN THE HIGH COURT OF SINDH, CIRCUIT COURT,  
HYDERABAD.

Criminal Bail Application No.S-442 of 2020

DATE	ORDER WITH SIGNATURE OF JUDGE
	1. For orders on M.A. No.5022/2020.
	2. For orders on office objections.
	3. For hearing of main case.
<b><u>07.08.2020</u></b>	

Mr. Ubedullah Chhajan, Advocate for the applicant.  
Mr. Ali Abbas alias Nauman Ali, Advocate for the complainant/HESCO.  
Mr. Shahid Ahmed Shaikh, Deputy Prosecutor General, Sindh.

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**ORDER**

**ABDUL MAALIK GADDI, J-** The applicant/accused is present on bail granted to him by this Court vide order dated 14.05.2020. Today, this bail application is fixed for confirmation or otherwise.

The allegation against the applicant/accused is that he allegedly involved in theft of electricity and at the time of incident he allegedly snatched wires from HESCO officials, who were present at the time of incident.

It is an admitted fact that case has been challaned and present applicant/accused is no more required for investigation. It is argued by learned counsel for the applicant that the applicant is innocent and he has been involved in this case by police malafidely just to humiliate him.

On perusal of case file, it is noted that the offences in which the applicant/accused is booked either bailable or their punishment do not fall within the prohibitory clause of section 497 Cr.P.C, therefore, under these circumstances grant of bail is a rule and refusal is an exception. No cogent ground appears in this case to withhold bail of the applicant. Besides this, there is words against words with regard to happening of the incident, therefore, it is yet to be determined at the time of trial, whether the applicant is involved in this case or otherwise till then the case of the applicant requires further probe.

In view of above, the interim order already passed by this Court stands confirmed on same terms and conditions with directions to the applicant to appear before Trial Court to face trial.

Needless to mention here that any observation in this order is tentative in nature and shall not effect the merits of the case.

Before parting with this order, I would like to make it clear that in case during proceedings if, the applicant misuses the concession of bail, then presiding officer of the Trial Court would be competent to cancel his bail without making any reference to this Court.

Since, it is case of alleged theft of electricity, therefore, Trial Court is directed to conclude the Trial within forty five (45) working days with further directions that no unnecessary adjournment shall be granted to either side and compliance report be submitted to this Court through Additional Registrar of this Court for perusal. Office is directed to immediately send copy of this Order to the learned Trial Court for information and compliance.

JUDGE

*Muhammad Danish Steno\**