

IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD
Cr.B.A.No.D-32 of 2019
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Before;

Mr. Justice Muhammad Iqbal Mahar
Mr. Justice Irshad Ali Shah

Applicants: Sono Khan son of Sher Muhammad,
Fareed Ahmed son of Suhno,
Through Mian Taj Muhammad Keerio, Advocate.

Respondent: The State, through Mr. Shahzado Saleem Nahiyoon,
D.P.G.

Complainant: Shafi Muhammad son of Muhammad Umer Memon,
Through

Date of hearing: 17-09-2019.
Date of decision: 17-09-2019.

ORDER

Irshad Ali Shah J;- It is alleged that the applicant with rest of the culprits was found tempering with the pipe line of PARCO for that he was booked and reported upon.

2. The applicant on having been refused post arrest bail by the learned Additional Sessions Judge-III, Dadu has sought for the same from this court by way of instant application under Section 497 Cr.P.C.

3. It is contended by the learned counsel for the applicant that the applicant being innocent has been involved in this case falsely by the complainant party; the FIR has been lodged on 3rd day of incident; the name of the applicant is not appearing in the FIR and no damage to the pipe line has been caused by anyone. By contending so, he sought for release of the applicant on bail on point of further enquiry.

4. Learned A.P.G for the State and learned counsel for the complainant have opposed to grant of bail to the applicant by contending that he has put an attempt to cause damage to public exchequer. In support of their contention they have relied upon case of ***Abdul Hameed vs State (2016 SCMR 748)***.

5. I have considered the above arguments and perused the record.

6. The name of the applicant is not appearing in FIR though it is lodged with delay of about three days to the incident, which appears to be significant. No damage is caused to the pipe line. No theft of oil is committed. In these circumstances the applicant is found entitled to be released on bail on point of further enquiry.

7. The case law which is relied upon by learned A.P.G for the State and learned counsel for the complainant is on distinguishable facts and circumstances. In that case the accused was apprehended at the spot with stolen crude oil. In the instant case the name of the applicant is not appearing in FIR what to talk of recovery.

8. In view of above, the applicant is admitted to bail subject to his furnishing surety in sum of Rs.50,000/-and PR bond in the like amount to the satisfaction of learned trial court.

9. The instant application is disposed of accordingly.

JUDGE