

**ORDER SHEET**  
**IN THE HIGH COURT OF SINDH, KARACHI**

**Crl. Bail Application No. 1137 of 2018**

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*Date* *Order with signature of Judge*

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*For hearing of bail application:*

**10.10.2018**

Mr. Muhammad Qasim, Advocate for applicants.  
Ms. Rahat Ahsan, Addl.P.G. for State.

**-X-X-X-X-**

The applicants Muhammad Afzal and Jan Mohammad have sought pre-arrest bail in crime number 127 of 2018 registered under sections 379, 380, 457, 454, 462-B, 109, 427 and 34 P.P.C. at the Memon Goth police station. The learned counsel does not press the bail application of Mohammad Saleem Dewan as he apparently was released by the police. Earlier, their pre-arrest bail application was dismissed by the learned 1<sup>st</sup> Additional Sessions Judge, Malir in Karachi vide his order dated 26-6-2018.

2. The case is that the management of Asia Petroleum noticed from its electronic systems that there was possibly theft of oil from their pipeline going on in the Gadap area. On 21-6-2018, a team of Asia Petroleum reached at spot known as Bagh-e-Ababeel, dug the ground and discovered that an unauthorized connection had been made with the company's main pipeline. Saleem Dewan who was the owner of the farm where the underground installation was discovered was arrested. The appellants who were present on the spot were also arrested.

3. I have heard the learned counsel for the applicants as well as the learned Addl.P.G and examined the record with their assistance. The complainant remained absent. My observations are as follows.

4. There is no evidence in possession of the prosecution at this stage that will establish the nexus of the applicants with the theft of petroleum. It has been submitted that the owner of the farm, Saleem Dewan, has been released and not sent up for trial on the ground that he had rented out the farm to some other person. That some other person apparently, according to the learned Addl.P.G, has also not been booked in the case. Such a huge set up underground to steal oil could not have been possible without the owner or the tenant knowing about it. Yet, both have been released from the charge. The applicants were apparently present on the spot. Lop sided investigation and prosecution apart, the nexus between the offence and the applicants is yet to be established and their case is one of further enquiry.

5. Above are the reasons for the short order dated 05.09.2018 in terms of which the applicants were admitted to post arrest bail subject to their furnishing solvent sureties in the amount of Rs. 100,000 each and P.R. Bonds in the like amount to the satisfaction of the Nazir of this court.

JUDGE