

**THE HIGH COURT OF SINDH, CIRCUIT COURT,  
HYDERABAD**

Criminal Bail Application No.S-1366 of 2022

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**DATE            ORDER WITH SIGNATURE OF JUDGE**

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For orders on office objection.  
For hearing of main case.

07.04.2023.

Mr. Muhammad Yaseen M. Khaskheli advocate for applicants.  
Ms. Sana Memon, Assistant Prosecutor General.  
Mr. Muhammad Ismail Bhutto, Additional Advocate General  
along with Muhammad Ishaque D.C. Sanghar, Akhtar Hussain  
Executive Engineer Thar Division and Ajay Kumar Assistant  
Executive Engineer Bakhero Sub-Division.  
Applicants are present on ad-interim pre-arrest bail.

O R D E R

MUHAMMAD IQBAL KALHORO, J:- Complainant being a Watchman in Irrigation Department has registered this FIR alleging that the applicants have encroached upon government land belonging to the Irrigation Department, admeasuring one Acre, where they have constructed 25 shops. The Irrigation Department kept on approaching the applicants for vacating the land but they refused. Finally, in compliance of this Court's order passed in C.P. No.D-56/2022 this FIR was registered.

In compliance of the last order, Deputy Commissioner Sanghar and Executive Engineer, Thar Division, Irrigation Department are present. Deputy Commissioner Sanghar submits that in compliance of various orders passed in the abovementioned petition the land of Irrigation Department situated in Survey No.165 has been demarcated by the Sindh Settlement Survey & Land Records Department. In the record of Irrigation Department land admeasuring 1.34 Acres is identified to belong to it whereas, the Settlement Survey & Land Records Department after demarcation has identified the land of Irrigation Department in Survey No.165, Deh Sama Thari, admeasuring 1.38 Acres. According to Deputy Commissioner subject 25 shops are built on Survey No.163 about which valid Sanads have been issued to the applicants. According to him the shops are not built on the land of Irrigation Department, although, he says, that

the land situated in Survey No.163 also belongs to the government but the applicants are in occupation thereof under valid Sanads. According to him such reports have already been submitted before this Court in C.P. No.D-56/2022. Learned counsel for the applicants citing these grounds has pleaded for bail.

Learned Assistant PG has not opposed this bail stating that I.O. after investigation has placed names of the applicants in column No.2 and as per official record the shops are situated not on the land of Irrigation Department. In view of the above, the case against the applicants requires further inquiry. Accordingly, the bail application is allowed and ad-interim pre-arrest bail granted to them vide order dated 16.12.2022 is hereby confirmed on the same terms and conditions. However, Deputy Commissioner Sanghar has undertaken that in order to further satisfy the Irrigation Department a fresh exercise to demarcate the land of the Irrigation Department would be undertaken and land would be properly identified and marked and its possession would be handed over to the Irrigation Department. The Executive Engineer, Thar Division, Irrigation Department has accepted this proposal.

The observations made hereinabove are tentative in nature and shall not influence the trial court while deciding the case on merits.

JUDGE