

ORDER SHEET
**IN THE HIGH COURT OF SINDH CIRCUIT COURT
HYDERABAD**

Criminal Bail Application No.S-555 of 2023

DATE	ORDER WITH SIGNATURE OF JUDGE
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For orders on office objection.
For hearing of main case.

14-06-2023

Mrs. Razia Ali Zaman Patoli advocate for applicant.

Mr. Mahmood Alam Abbasi, advocate for complainant.

Ms. Sana Memon, Assistant Prosecutor General Sindh.

MUHAMMAD IQBAL KALHORO, J: - Complainant is Security Supervisor in Security Company and posted at Khaskheli Oil Field U.E.P Kario Ganhwar, was informed by his supervisor on phone on 19.04.2023 about oil theft and theft of pipelines by accused Ali Nawaz, Muhammad Khan Nizamani and 15/20 others in the land of landlord Muhammad Alam Survey Nos. 472, 473, 521 and 522 deh Koryani. On such information, he reached place of incident and found pipeline measuring 590 feet stolen and 16 pipes, severed from the main line, lying there. He communicated such information to relevant authorities and under their instruction appeared at PS and registered FIR. Applicants' name is not mentioned; however, subsequently on the basis of 161 CrPC statements of the witnesses, identifying them, they were also arraigned and on 28.04.2023 were arrested under police docket along with stolen pipes which they were transporting in Truck No.GLJ-6109 to Karachi.

2. Learned counsel submits that applicants' name is not mentioned in FIR, no role has been attributed to them. The accused, who are named in FIR, have been granted bail. Rule of consistency is attracted and the case requires further inquiry. Applicant Punhoon is only a Truck owner. He was engaged for transporting the property in his Truck and has nothing to do with the theft of pipes. Her arguments have been opposed by learned counsel for complainant and learned A.P.G. Sindh citing recovery of stolen property from them.

3. I have considered submissions. Although, applicants' name is not mentioned in FIR but stolen property worth Rs.1,200,000.00 (Rupees twelve lacs only), attempted to be transported to Karachi, was recovered from their possession in presence of mashirs. Applicant Punhoon's claim that he is owner of Truck is not borne out of any record or from investigation report

reproduced in the challan. Nor it appears that he has taken this ground before the trial Court, which has dismissed the application on the basis of recovery effected from applicants. Further complainant is a security officer and has apparently no ill will against the applicants to involve them in the case. Quite contrary to it, on the basis of recovery of stolen property, applicants have been arraigned in the case. Hence, they appear to be *prima facie* connected with the alleged offence. Consequently, this application is dismissed. However, the trial Court is directed examine the material witnesses within two months, after which applicants would be at liberty to move a fresh bail application which, if filed, shall however be decided on its own merits.

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

JUDGE

Abdullah Channa/PS