

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

Criminal Bail Application No.S-754 of 2024

DATE ORDER WITH SIGNATURE OF JUDGE

23.09.2024

Mr. Meer Ahmed Mangrio advocate for applicant.
Mr. Bashir Ahmed Almani, Assistant Attorney General for Pakistan along with Mr. Muhammad Asif Rajput Law Officer SSGCL Hyderabad and complainant Abdul Latif Jamali.

ZULFIQAR ALI SANGI, J.- Applicant seeks post-arrest bail in Crime No.13/2024 registered at P.S. Bhan Saeedabad U/s 14/15 Gas (Theft Control and Recovery) Act 2016 after his bail was declined by the learned Sessions Judge / Special Judge Gas Utility Court, Jamshoro vide order dated 25.06.2024.

2. The contents of FIR need not to be reproduced as the same are already mentioned in the memo of bail application.

3. It is contended by counsel for the applicant that the applicant has been falsely implicated in this case; that there is delay of one day in registration of FIR no any plausible explanation is furnished; that bogus rent agreement in the name of applicant has been managed at the instance of complainant and applicant has no nexus with the plot; that the complainant came to know about the leakage of gas on 23-03-2024 but he remained silent for one day and on the next day he got repaired the line, which makes the case of applicant as one of further inquiry; that challan has been submitted and applicant is in judicial custody and no more required for further investigation; that the clip which has been shown as case property in the challan is easily available in market, which has been managed and foisted; that the applicant is victim of political rivalry, as his brother Ali Akbar being affiliated with Sindh United Political Party had submitted nomination form in District Council Election for the seat of Member, therefore, at the instance of ruling Pakistan Peoples Political Party, applicant has been falsely implicated in this case. Lastly, he prayed for grant of bail to the applicant.

4. The bail plea has been opposed by learned Assistant Attorney General for Pakistan assisted by Mr. Muhammad Asif Rajput Law Officer SSGCL Hyderabad by submitting that no malafide on the part of complainant for false implication of applicant has been established; that the statement of Qazafi Memon, who is owner of the plot, has been recorded and he has produced rent agreement which clearly shows that applicant Sono was tenant of the plot where from tunnel was dug upto gas pipe line and clip wall was installed for committing theft of natural gas; that the

offence under Section 14 of Gas (Theft Control & Recovery) Act 2016 is punishable upto fourteen years with fine upto ten million rupees and offence under Section 15 of Act is punishable upto ten years with fine upto three million rupees, therefore, falls within the ambit of prohibitory clause of S.497(1) Cr.PC, therefore, applicant is not entitled for grant of bail.

5. Heard learned counsel for the parties and perused the material available on record.

6. As per FIR, neither any private person was available nor the complainant party had a prior information in respect of the accused persons for committing alleged offence. It was the person who claiming to be owner and informed the complainant that he rented out the said premises to the applicant Sono. However, the applicant Sono has denied for taking the premises on rent. Complainant present when was inquired as to what activities he had seen at the place of incident he stated in negation from the contents of FIR even he has not supported the availability of pipeline at the place of incident and involvement of present applicant in the alleged offence. Such situation when brought the notice of Assistant Attorney General for Pakistan and private counsel for the SSGC they kept themselves silent and submitted that on this statement of complainant the department may take action against him. They placed on record certain photographs where pipeline is visible however it is not clear as to whether premises rented out to the applicant is same or not. Looking to the above scenario and the statement of complainant who is not supporting his FIR, the case against applicant requires further inquiry and the genuineness of the allegation in FIR and whatever stated by complainant before this court will be decided by the trial court at the time of recording evidence.

7. Under these circumstances, the bail application is allowed and the applicant is admitted to post-arrest bail subject to his furnishing solvent surety in the sum of Rs.100,000/- and PR bond in the like amount to the satisfaction of Trial Court.

8. The observations made hereinabove are tentative in nature only for the purpose of deciding the instant bail application, which shall not, in any manner, influence the learned Trial Court at the time of final decision of the subject case.

JUDGE

