

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

Criminal Bail Application No.S-309 of 2022.

DATE ORDER WITH SIGNATURE OF JUDGE

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

10.10.2022.

Syed Shafique Ahmed Shah advocate for the applicant.
Ms. Sana Memon, Assistant Prosecutor General, Sindh.
Applicant is present on ad-interim pre-arrest bail.
ASI Wali Muhammad PS Tando Adam City.

ORDER

MUHAMMAD IQBAL KALHORO, J:- Complainant ASI Abdul Wahab Brohi of P.S. Tando Adam City on 26.02.2022 at 1800 hours during patrolling on spy information reached lands of applicant through which oil pipeline was passing and spotted applicant alongwith seven other accused named in FIR committing theft of oil. Applicant and other accused seeing police party made their escape good. However, complainant was able to recover several articles used in stealing oil from the spot. Applicant and his sons Shahzad, Khurram Shahbaz and relative Ubaidullah applied for pre-arrest bail which has been dismissed to the extent of applicant vide impugned order dated 24.03.2022 on the ground that he is owner of the land, otherwise, there is no apparent difference between role of applicant and co-accused who have been granted bail.

Learned counsel for applicant submits that co-accused Khalid Javed and Amir who were arrested after registration of FIR have been granted post-arrest bail by learned trial Court and in the circumstances rule of consistency is applicable in the case of applicant. He has relied upon a case reported as 2013 YLR 1178.

On the other hand, learned APG has opposed bail to the applicant however, she has not disputed that co-accused having been assigned same role have been granted bail. Insofar as the fact that applicant is owner of land and had entered into agreement with Oil Company, from which no one has been made witness, is



concerned, his criminal liability flowing from such agreement, if any, is yet to be determined. Escape of all accused from place of incident in presence of police party is sufficient to induce an impression not excluding malafide on the part of the complainant. Accordingly, this bail application is allowed and ad-interim pre-arrest bail granted to the applicant vide order 29.03.2022 is hereby confirmed on the same terms and conditions.

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

JUDGE

Irfan Ali

D/O Matter

For orders on MA NO 10812/24 (Instructuous) 10/10/2022
 (Ergent Application)
 For orders on MA NO 10813/24
 (R/o Surety Application)

(Accountant Report may kindly be Perused as flagged)