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ORDER-SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT LARKANA
Crl. Bail Appln. No. S- 148 of 2016.

Date of hearing	Order with signature of Judge
11.08.2017.	

1. For orders on office objections.
2. For orders on M.A. No. 1008/2016.
3. For hearing.

Mrs. Akhtiar Begum, Advocate for applicants.
Mr. Sardar Ali Rizvi, D.P.G.

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Omar Sial, J: This order will dispose of the captioned bail application.

Brief facts of the case are that on 07.01.2016, a team of Sui Southern Gas Company Limited, reached Agani Village where they saw that near the doors of the houses of the Applicants theft of gas was going-on by the creation of an illegal diversion from a one inch steel distribution pipeline. The SSGC staff registered an FIR bearing number 01 of 2016 against the present Applicants under Sections 462-C and 427 P.P.C.

The Applicants filed Crl. Bail Appl. No. S- 54 of 2016 in this Court for the grant of pre-arrest bail. An interim pre-arrest bail was granted to the Applicants by this Court pursuant to which they appeared before the trial Court on 09.02.2016. Before the interim pre-arrest bail granted to the Applicants could be confirmed or declined by this Court, the police filed its final report under Section 173 P.P.C in the trial Court, which showed that the Applicants had been charged under Sections 462-D and 427 PPC. As both the offences with which the Applicants were charged were bailable offences, the counsel for the Applicants did not press the bail application in this Court on the ground that they would approach the trial Court. On 17.02.2016, the Applicants were admitted to bail by the trial Court.


Subsequent to the Applicants being granted bail, the complainant moved an application in the trial Court praying that the

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charge against the Applicants be amended from that under Section 462-D PPC to 462-C PPC. Such prayer was allowed by the learned Civil Judge and Judicial Magistrate-III, Larkana, who also directed that the bail granted to the Applicants on 17.02.2016 be recalled. As the offence under Section 462-D was one carrying a possible punishment of up to 10 years, the Applicants have once again approached this Court and were granted interim pre-arrest bail on 21.03.2016.

I have heard the learned counsel for the Applicants as well as the learned DPG and have also examined the available record. My observations are as follows.

- (i) The learned counsel for the Applicants argued that the Applicants are farmers who live in thatched roof huts and that this case has been foisted upon them with malafide solely to show the efficiency of the SSGC staff. The learned DPG opposed the grant of bail but admitted that there is nothing on record to show that the gas was being illegally diverted to the houses owned or in possession or control of the Applicants. He also admitted that while there were about 400 to 500 houses in the village, the police did not bother to associate any independent private person to witness the alleged recovery of the rubber pipe and the steel pipe used by the Applicants to divert the gas from the distribution line. He also admitted that the length and description of the pipes seized were not specified in the memo of recovery. There is also nothing on record to show whether the Applicants are registered consumers of gas or not to determine whether the case would fall within Section 462-C or 462-D PPC; and even though it is claimed that the raiding team did take photographs on the site, none were present on the police file at the moment.
- (ii) Prima-facie it appears that the case of the Applicants falls within the ambit of section 497 (2) P.P.C and thus one of further enquiry. 



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Above are the reasons for my short order of 11.8.2017; in terms of which the interim pre-arrest bail granted earlier to the Applicants vide this Court's order of 21.03.2016 was confirmed on same terms and conditions.

*[Signature]*  
16/8/17  
JUDGE

Ansari/\*

### Disposed of Matter

- 1) For Orders on M.A. No. 1299/18 (U/A)
- 2) For Orders on M.A. No. 1300/18 (SBI-A)

— Accountant Report as tag "B"

20.4.2018.

Mr. Ajmeer Ali Bhatta, advocate  
for the applicant.

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1. Application for an urgent hearing is disposed of.
2. Notice to the learned A.A's

*[Signature]*  
Judge

for 27.4.2018.