

IN THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA

Criminal Bail Appln. No. S-647 of 2025

Applicant	Abdul Nabi s/o Qalandar Bux Dayo, Through Mr. Mazhar Ali Bhutto, advocate
Complainant	Mohammad Razaq Mughul Through Mr. Mazhar Hussain Mangiryo, advocate
Complainant	The State Mr. Ali Anwar Kandhro, Additional Prosecutor General for the State
Date of hearing	09-02-2026
Date of order	09-02-2026

ORDER

Adnan Iqbal Chaudhry, J.- Applicant, Abdul Nabi Dayo, seeks post-arrest-bail in Crime No.33/2025, in respect of offence under sections 462-B, 427, 34 P.P.C, registered at Police Station Karan Sharif, Shikarpur, after his bail application was rejected by the learned III-Additional Sessions Judge, Shikarpur *vide* order dated 21.10.2025.

2. The FIR was lodged on 22.09.2025 by Station Security Officer of PARCO, Shikarpur, for the offence of tampering with PARCO's crude oil pipeline. It was narrated by the informant that he was informed by his Security Supervisor, namely Liaquat Ali, that on 20.09.2025, whilst on patrol at 191-000 km mark of PARCO's oil pipeline near Bhaya Wah, he detected traces of oil on the ground; that following those traces he deduced that a rubber pipe had been used to transport oil from PARCO's pipeline to the highway; that at a distance of 150 feet, he saw persons loading oil drums onto a pick-up vehicle and then drive away. As per the FIR, the Security Supervisor had recognized seven (07) of those persons (named in the FIR), one of them being the Applicant. It was further narrated that when the police party and informant also arrived at such spot, they

discovered a nearby *otaq* from where they recovered rubber pipes, equipment and tools used in the theft; and thereafter, PARCO's engineer removed the equipment that had been affixed by the culprits to tamper with PARCO's pipeline.

3. Heard learned counsel and perused the record.

4. The Applicant was not apprehended from the scene of the crime, nor has any incriminating material been recovered from him. Though it is alleged that he was seen by PARCO's Security Supervisor with the pickup that was allegedly loaded with oil drums stolen from PARCO's pipeline, however such statement does not ascribe any specific role to the Applicant. It has yet to be explained by the prosecution how the Security Supervisor knew of the Applicant so as to nominate him in the FIR.

5. Given the aforesaid facts, the following submissions made by learned counsel for the Applicant also require consideration:

- (i) that the Applicant is a disabled person who is physically incapable of committing the alleged offence;
- (ii) that the Applicant belongs to the *Dayo* community, whereas the *otaq* from where the tampering equipment was recovered, belongs to the *Bhaya* community;
- (iii) the fact that the Security Officer of PARCO was able to recognize and identify the Applicant, and that too from a distance of 150 feet, shows a motive to falsely implicate the Applicant.

6. The learned APG and counsel for PARCO rely on order dated 27.10.2025 passed by this Court in Cr. Bail Application No. S-548/2025 denying bail to the co-accused Noor Nabi, who also happens to be the Applicant's son. However, that was an order declining pre-arrest bail, considerations for which are quite different from an application for post-arrest bail.

7. In view of the foregoing, the case against the Applicant is one of the further inquiry, falling within the ambit of sub-section (2) of section 497 Cr.P.C. Therefore, the Applicant Abdul Nabi Dayo is admitted to post-arrest bail in Crime No.33/2025 subject to furnishing solvent surety in the sum of Rs.100,000/- and P.R. bond in the like amount to the satisfaction of the trial court.

Needless to state that the observations herein are tentative, and should not be construed to prejudice the case of either side at trial.

JUDGE

Abdul Salam/P.A