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ORDER SHEET  
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA.  
1<sup>st</sup> Cr. Bail Appln. No. S-35 of 2024.

Date of hearing	Order with signature of Judge.
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1. For orders on office objections as flag A.
2. For hearing of bail application.

Applicant  
(Ghulam Yaseen) : Through Mr. Faroque Ahmed Gaad, Advocate.  
The State : Through Mr. Ali Anwar Kandho, Addl. P.G and  
Mr. Oshaque Ali Sangi, Asstt: Attorney General.  
Date of hearing : 22.3.2024.

ORDER

MUHAMMAD SALEEM JESSAR-J - Through this application, applicant seeks his admission on pre-arrest bail in Crime No. 94 of 2023 P.S. City Jacobabad for the offence punishable under Sections 462(i) PPC R/w Section 39-A of Electricity Act 1910. Applicant filed pre-arrest bail application before the Court of Sessions Judge/Electricity Utilities Court Jacobabad viz-a-viz Cr.Bail Appln.No.881 of 2023 where after hearing the parties his request was turned down vide order dated 19.12.2023, hence this application has been maintained.

2. Since facts of the prosecution case are already mentioned in the FIR as well as order passed by the Court below, therefore, there is no need to reproduce the same.
3. At the very outset, learned counsel for the applicant submits that per FIR in all eight connections have been shown to be owned by the applicant, however, not a single account of same is registered in his name. Even the complainant had not adduced documentary evidence viz. the bills or lease deed etc showing consumer identity, hence the case against him requires further enquiry. Besides the punishment provided by the law for the sections applied under the FIR, is three years which does not exceed the limits of prohibitory clause of Section 497 Cr.P.C. The case has been challaned which is now

pending for trial before the Court of Consumer Protection Court/JM, Jacobabad.

4. On the other hand, learned Addl.P.G and Assistant Attorney General for Pakistan opposes the bail application on the ground that a huge amount has been shown due against the applicant, therefore, he is not entitled for the bail. They, however, could not controvert the fact that the offences with which he has been charge sheeted are carrying three years punishment.

5. Since the case has been challaned and per claim of the prosecution the evidence whatever is available with prosecution is based upon documents which are in custody of the prosecution itself. Hence the prosecution has to adduce it in evidence at the time of trial. After recording evidence, the trial Court has to determine accusation against the accused. At this juncture, the case against the applicant, in view of dicta laid down by the Hon'ble Supreme Court of Pakistan in case of Mohammad Tanveer v. The State (PLD 2017 S.C 733, requires further enquiry.

6. Consequently, instant bail application is hereby allowed. The interim bail order dated 19.12.2023 is hereby confirmed on same terms and conditions. Applicant, however, is directed to continue his appearance before the trial Court till final decision of the main case. Meanwhile trial Court is also hereby directed to expedite the trial and conclude it within shortest possible time under intimation to this Court.

JUD