

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

Cr. Bail Application No.S-404 of 2025.  
Cr. Bail Application No.S-473 of 2025.

DATE	ORDER WITH SIGNATURE OF JUDGE
	1. For orders on office objection(s).
	2. For hearing of main case.

10.06.2025.

Mr. Muhammad Raheem Hakro, Advocate for applicant/accused (Muhammad Saleem).

Mr. Rashid Ali Khan, Advocate for applicant/accused (Dilber Ali).

Mr. Zamir Hussain Khaskheli, Advocate for complainant (in both bail applications).

Ms. Ramesha Oad, Deputy Prosecutor General for the State.

**ORDER**

**Amjad Ali Sahito, J:-** Through Cr. Bail Application No.S-404 of 2025, the applicant Muhammad Saleem seeks pre-arrest bail in crime No.29 of 2025 registered under Section 462-B, 149, 34-PPC at Police Station B-Section Tando Adam. Whereas, applicant Dilber Ali through Cr. Bail Application No.S-473 of 2025 seeks pre-arrest bail in crime No.29 of 2025 registered under Section 462-B, 149, 34-PPC at Police Station B-Section Tando Adam. Earlier their pre-arrest bail pleas were declined by the learned Additional Sessions Judge-I, Tando Adam vide order dated 10.04.2025 and their interim relief was recalled.

2. Both the captioned bail applications arisen out of same incident/crime are being disposed of through this single order.
3. The details and particulars of the F.I.R. are already available in the bail applications and F.I.R., same could be gathered from the copy of F.I.R. attached with such applications, hence needs not to reproduce the same hereunder.

4. Mr. Muhammad Raheem Hakro, Advocate on behalf of applicant/accused Muhammad Saleem stated that he is innocent and has falsely been implicated in this case due to the dispute over agricultural land, his name has been shown in the FIR, otherwise mere presence of the applicant/accused Muhammad Saleem is shown at the place of incident; that the case has already been challaned and the applicant/accused is no more required for further investigation. He lastly prayed that the bail application of applicant/accused may be confirmed.

5. Mr. Rashid Ali Khan, Advocate for applicant/accused Dilber Ali contended that he is innocent and has falsely been implicated in this case. He further contended that mere presence of the applicant/accused has been shown at the place of incident however, he has no concern with the alleged offence. In support of his contentions, he has relied upon the case laws reported as 2013 YLR 1178 & 2021 SCMR 552.

6. On the other hand, learned counsel for the complainant as well as learned Deputy Prosecutor General for the State vehemently opposed for confirmation of bail pleas of applicants/accused. Learned counsel for the complainant stated that the applicant/accused Dilber Ali is habitual offender and previously he was also involved in this kind of offence. He further contended that Section 462-B PPC falls within prohibitory clause of Section 497 Cr.P.C and its punishment is up to 14 years and not less than 7 years as such they are not entitled for concession of bail. Lastly, prayed for dismissal of bail applications of both applicants/accused.

7. Heard & perused.

8. From perusal of record, it reflects that the names of the present applicants/accused are appearing in the FIR with specific role that on the day of incident, the Supervisor of ZAMCON Company namely Muhammad Ayoub was on field duty and at about 1500 hours when he reached at place of incident, he saw that the some persons were stealing the crude oil from shell main pipeline with the help of clip through pipe in Mazda vehicle. Upon noticing such activity of theft, complainant reached there and saw that accused persons namely Atta Muhammad s/o Haji Ahmed Khan Khaskheli (ii) Karoo Punjabi (iii) Dilbar s/o Siddique Khaskheli (iv) Shahid s/o Muhammad Sharif Khaskheli (v) Muhammad Usman Makorani (vi)

Muhammad Iqbal s/o Abdul Hameed Arain (vii) Naroo s/o Pirbho Kohli (viii) Muhammad Saleem s/o Muhammad Sharif Qureshi alongwith two unknown accused persons were present and identified by the complainant. The incident had taken place in a day time and the complainant had clearly identified the accused persons including present applicants/accused and subsequently complainant had communicated such information with head office, whereby police of PS B-Section Tando Adam was informed. Upon such information, police party of PS B-Section Tando Adam arrived over there and recovered 5000 liters of crude oil and vehicle bearing Registration No.TKR-138 alongwith one large pipe of about 200 feet.

9. It is the well-settled principle of law that at the bail stage only a tentative assessment is to be made. Sufficient material is available on the record which connects the present applicants/accused with the commission of alleged offence. Furthermore, no ill-will or malafide is alleged against the complainant party by the applicants/accused even otherwise they have been shown in F.I.R with specific role. In this regard, I am fortified with the case law of Honourable Supreme Court of Pakistan reported as **2019 SCMR 1129**, wherein the Hon'ble Supreme Court of Pakistan has held as under;

*"2. Grant of pre-arrest bail is an extra ordinary remedy in criminal jurisdiction; it is diversion of usual course of law, arrest in cognizable cases; a protection to the innocent being hounded on trump up charges through abuse of process of law, therefore a petitioner seeking judicial protection is required to reasonably demonstrate that intended arrest is calculated to humiliate him with taints of mala fide; it is not a substitute for post arrest bail in every run of the mill criminal case as it seriously hampers the course of investigation. ...the principles of judicial protection are being faithfully adhered to till date, therefore, grant of pre-arrest bail essentially requires considerations of mala fide, ulterior motive or abuse of process of law..."*

10. In view of the above facts and circumstances, the applicants/accused have failed to make out the case for further inquiry as envisaged in subsection 2 of section 497 Cr.P.C. Consequently, instant Criminal Bail Application is **dismissed** and the interim pre-arrest bail granted earlier to

the applicants/accused by this Court vide orders dated 16.04.2025 & 06.05.2025 respectively are hereby **recalled**.

**11.** Needless to mention here that the observations made hereinabove are tentative in nature and would not influence the learned trial Court while deciding the case of the applicants on merits.

JUDGE

Ali.