

ORDER SHEET
IN THE HIGH COURT OF SINDH, AT KARACHI.

Criminal Bail Application No.2395 of 2023

Date	Order with signature of Judge
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For hearing of bail application.

15.01.2024.

M/s. Mansoor Ali Pahwar and Shahid Hussain Channa,
Advocates for the applicant.

Mr. Muhammad Awais holding brief on behalf of Malik Khushhal
Khan.

Mr. Abrar Ali Khichi, Additional Prosecutor General Sindh.

MOHAMMAD KARIM KHAN AGHA, J:- The Applicant Abdul Qayyum @ Muhammad Karim S/o. Faraz Khan is being proceeded before the Additional Session Judge-VI, Karachi South in respect of FIR No.526/2023 U/s. 462-J of Electricity Act, registered at P.S. Boat Basin, Karachi. The applicant applied for pre-arrest bail before the aforesaid court which was declined vide order dated 17.10.2023.

2. The brief facts of the case are that the K-Electric found a Meter installed outside the house where the applicant was the tenant and an illegal kunda connection was made whereby electricity was being stolen, hence the aforesaid FIR was lodged.

3. I have heard learned counsel for the applicant. Learned Prosecutor on behalf of K-Electric preferred to remain absent. In his absence I have heard the learned Prosecutor General Sindh and also perused the record.

4. The offence under section 462-J of Electricity Act carries the maximum sentence of 02 years imprisonment and even may result in fine. As a general rule in such cases where maximum imprisonment is less than 10 years, bail should be granted unless some exceptional circumstances exist to decline the bail. In this case there is no exceptional circumstance and the amount of electricity stolen is relatively minor. According to the

learned Additional Prosecutor General the parties have already patched up this matter and the applicant is in process of paying back the K-Electric amount which he allegedly stolen. Under these circumstances the pre-arrest bail earlier granted to the applicant Abdul Qayyum @ Muhammad Karim S/o. Faraz Khan is confirmed on the same terms and conditions. It is made clear that this order is only after a tentative assessment of the evidence available on record and would have no bearing of the outcome of the trial of the applicant which shall be decided by the concerned trial Court based on the evidence placed before it.

6. This pre-arrest bail application is disposed of in the above terms.

JUDGE

M. Arif