

## IN THE HIGH COURT OF SINDH, KARACHI

Cr. Bail Applications No.2146, 2272, 2334 and 2374 of 2025

**Present:**

**Acting Chief Justice Zafar Ahmed Rajput  
Justice Miran Muhammad Shah**

Applicant (In Cr. Bail No.2146 of 2025)	:	Gul Bahar Shah S/o Bachal Shah, through Mr. Khair Muhammad Khattak, Advocate.
Applicant (In Cr. Bail No.2272 of 2025)	:	Alam Abbasi s/o Muhammad Arif, through M/s. Habib Ahmed and Farzana Mateen, Advocates.
Applicant (In Cr. Bail No.2334 of 2025)	:	Ghulam Abbas @ Butt S/o Muhammad Siddique through Ms. Farzana Mateen, Advocate.
Applicant (In Cr. Bail No.2374 of 2025)	:	Faizan Ahmed S/o Mehboob Ahmed, through Mr. Ashraf Ali Shah, Advocate.
Respondent	:	The State, through Mr. Abrar Ali Khichi, Addl. Prosecutor General, Sindh ( <b>Addl. PG</b> ), along with Inspector Raja Tariq Mehmood, CTD.
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Date of hearing	:	19.09.2025
Date of order	:	19.09.2025
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**ORDER**

**ZAFAR AHMED RAJPUT, ACJ. -** By this common order, we intend to dispose of the above listed four Crl. Bail Applications, as the same being arisen out of same Crime/FIR No.138 of 2025, registered at P.S. Korangi, Karachi under sections 380, 411, 427, 462-B, 462-F and 34, PPC read with sections 6(2) (a, b, c & d) and 21-I of the Anti-Terrorism Act, 1997 (**Act**) have been heard by us together.

2. Through the listed Criminal Bail Applications, the applicants/accused, named-above, seek post-arrest bail in the aforesaid crime. Their earlier applications for the same relief, filed in New Special Case No.06/2025, were dismissed by the Anti-Terrorism Court No. XV, Karachi (**Trial Court**), vide orders dated 12.08.2025, 01.09.2025 and 04.09.2025.

3. Briefly stated facts of the case are that, on 15.03.2025, complainant ASI Faisal Raheem lodged the aforesaid FIR alleging therein that during patrolling

along with police staff, on tipoff that some persons were engaged in stealing crude oil from the underground pipeline of PARCO (*Pak-Arab Refinery*), he reached Sector G-33, Korangi No.21 ½, near Bakri Petrol Pump, Plot No.SA-163, and apprehended three accused, namely, Muhammad Yasir, Amjad Abbasi and Faizan Ahmed (*applicant in Cr. Bail No.2374/2025*). On their disclosure, it transpired that, along with their accomplices, including Alam (*applicant in Cr. Bail No.2272*), Gul Khan (*applicant in Cr. Bail No.2146/2025 as Gul Bahar Shah*) and Muhammad Abbas (*applicant in Cr. Bail No.2334/2025 as Ghulam Abbas @ Butt*), they dug a pit inside a room of the compound, tunneled to the underground PARCO pipeline, and installed clips and pipes to extract crude oil, which was being stolen and filled into barrels. It is further alleged that the accused also pointed out a truck bearing Registration No. E-2082 and the concealed tank filled with crude oil under a container placed upon it. The truck, tools, and other articles were taken into custody, while the accused were arrested from the spot and booked in the FIR.

4. Ms. Farzana Mateen, learned counsel representing applicants Alam Abbasi and Ghulam Abbas @ Butt has contended that both the applicants are innocent and have no concern with the alleged offence of theft or tampering with crude-oil pipelines; that they have been falsely implicated on the basis of manipulated information, actuated by mala fide intentions; that both the said applicants have been implicated merely on the disclosure of co-accused without any direct or circumstantial evidence connecting them with the alleged offence; that the applicants are neither owners nor tenants of the alleged site or connected with its operation or logistics; that the police has submitted the challan, therefore, the applicants are no more required for investigation, and their further detention would serve no useful purpose; that even on the ground of further inquiry both applicants deserve the concession of bail.

5. Mr. Khair Muhammad Khattak, learned counsel appearing for applicant Gul Bahar Shah, while adopting the arguments advanced by Ms. Farzana Mateen, has further submitted that the said applicant had been falsely

implicated due to previous enmity with certain police officials of the area; that he was not arrested from the spot and was subsequently implicated in this case on the basis of statements of co-accused; that the applicant is a chronic cardiac patient suffering from *Hypertrophic Cardiomyopathy* and *Grade-II Left Ventricular Diastolic Dysfunction*, as confirmed by the NICVD Discharge Summary dated 15.08.2025; that the Chief Medical Officer, District Prison & Correctional Facility, Malir, in Bail Application No.2366/2023, has also reported that the applicant requires specialized cardiac management and pacemaker facility, which are not available in jail; that his continued detention, therefore, poses a serious threat to his life; hence, the applicant is entitled to bail on medical condition as well.

6. Mr. Ashraf Ali Shah, learned counsel for applicant Faizan Ahmed, while reiterating the submissions advanced by other learned counsel, has further argued that though the said applicant is the owner of the property where the alleged offence occurred; however, he has no active role in its commission; that no incriminating material came on record against him during investigation, whereupon he was released by the I.O. under Section 497(2), Cr.P.C., on execution of bond; that the report of the I.O. under Section 168, Cr.P.C. was duly approved by the competent authority for submission of challan; however, his name was subsequently included in the challan only due to the dissatisfaction of the scrutiny prosecutor; therefore, he is entitled to be enlarged on bail.

7. Conversely, learned Addl. PG has opposed these applications for grant of bail to the applicants on the grounds that the applicants are involved in an organized theft of crude oil from the underground pipeline of PARCO; that some of them were caught red-handed while extracting crude oil into concealed containers; that recovery of pipes, clips, tools and a truck with a hidden tank was made from the spot; that material collected during investigation connects the applicants with the offence, which is grave

in nature and that their release on bail may lead to tampering with evidence and hinder arrest of absconding co-accused.

8. Heard, record perused.

9. It appears from the perusal of the record that applicants are confined in judicial custody since the day of their arrest and the challan has already been submitted; hence, their custody is no more required by the police for further investigation. It further appears that the names of the applicants, except Faizan Ahmed, do not transpire in the FIR, and they have been implicated in the case on the basis of statements of co-accused, which is inadmissible in law under Article 39 of the Qanun-e-Shahadat Order, 1984. So far, the case of applicant Faizan Ahmed is concerned, he is admittedly owner of the property where the alleged offence occurred; however, he has no active role in commission of the offence. Nothing has been recovered from the possession of the applicants, after their arrest, to connect them with the commission of alleged offence. Hence, their guilt requires further inquiry as envisaged under subsection (2) of section 497, CrPC. It is also an admitted position that some of the co-accused, namely, Tahir @ Arif @ Fauji and Muhammad Amjad Abassi, who were also implicated in the case on the basis of statements of co-accused, have already been granted post-arrest bail by the Trial Court and the case of present applicants is on the same footings.

10. For the foregoing facts and reasons, we admit the applicants to post-arrest bail, subject to their furnishing solvent surety in the sum of Rs.1,00,000/- (*Rupees one lac only*) each and P.R. Bond in like amount to the satisfaction of the Trial Court.

11. Needless to mention here that the observations made hereinabove are tentative in nature and would not influence the Trial Court while deciding the case of the applicants on merits. However, in case the applicant(s) misuses the concession of bail in any manner, the Trial Court shall be at liberty to cancel the same after giving them notice, in accordance with law.

12. Above are the reasons of our short order dated 19.09.2025.

ACTING CHIEF JUSTICE

JUDGE

*Tahseen*