

IN THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA

Criminal Bail Appln. No. S-285 of 2025

Applicants	:	1. Lateef @ Abdul Lateef Chano s/o Gul Bahar @ Abdul Wahab Mochi @ Chano, 2. Fida Hussain s/o Ghulam Akber Kakepoto, Through Mr. Tahir Nisar Siddiqui, advocate
Complainant		Muhammad Tofique Khan Through Mr. Mazhar Hussain Mangrio, Advocate
The State	:	Mr. Nazeer Ahmed Bhangwar, D.P.G for the State a/w Zahoor Ahmed Soomro, S.D.P.O Garhi Yasin, A.D Mangiro, I.O of the case
Date of hearing		01-09-2025
Date of order		01-09-2025

ORDER

SHAMSUDDIN ABBASI, J.- Through instant criminal bail application, applicants/accused Lateef @ Abdul Lateef Chano and Fida Hussain Kakepoto, seek interim pre-arrest bail in Crime No. 46/2025 of P.S. Garhi Yasin for the offence U/s 462-B, 427, 511 P.P.C, after rejection of their bail plea by learned trial court vide order dated 26.05.2025.

2. The allegation against the applicants as set out in the F.I.R is that some un-known accused had committed theft from Parco Pipeline, which is situated in the lands of applicants.

3. Learned counsel for the applicants submits that applicants are innocent and they have been falsely implicated in this case with ulterior motives, that there is no evidence against the applicants except that they are owner and hari of agricultural land, wherefrom the alleged theft has been committed by some unknown accused persons. After getting interim pre-arrest bail, they have joined the investigation and I.O has not collected any incriminating piece of evidence which connect them in the alleged offence. He has prayed for grant of pre-arrest bail to the applicants/accused.

4. On last date of hearing, some query was put up from the I.O but he failed to furnish his satisfactory explanation to the court, therefore, P.D.S.P Garhi Yasin appeared on behalf of S.S.P Shikarpur.

5. Learned counsel for the complainant has opposed for grant of bail on the ground that they have committed heinous offence against the State, which comes within the ambit of prohibitory clause of Section 497(2) Cr.P.C. and they have failed to make out their case for grant of pre-arrest bail.

6. Learned D.P.G. has also adopted the same arguments as advanced by the learned counsel for the complainant.

7. Heard learned counsel for the applicants, learned counsel for the complainant, learned D.P.G assisted by Zahoor Ahmed Soomro, S.D.P.O on behalf of S.S.P. Shikarpur and perused the material available on the record.

8. From perusal of F.I.R, it appear that some unknown accused had committed theft of oil from the pipe line of Parco Oil Company from the agricultural land of applicant Fida Hussain while co-applicant Lateef is hari. The applicants after getting interim pre-arrest bail, joined the investigation but during investigation I.O failed to collect any incriminating material from their possession. Mere ownership of land adjacent to the pipe line area requires further inquiry in terms of Section 497(2) Cr.P.C.

9. Likewise, in the case of ***Muhammad Ejaz v. The State (2022 SCMR 1271)***, the Hon'ble Supreme Court held that merits of the case can also be considered at the stage of pre-arrest bail. The case laws relied upon by the learned counsel for the applicants are distinguishable to the facts of the case.

10. In view of the above, sufficient grounds exist for confirmation of pre-arrest bail. Accordingly, the instant bail application is allowed. Interim pre-arrest bail already granted to the applicants vide order dated 02.06.2025 is hereby confirmed on the same terms and conditions.

J U D G E

Abdul Salam/P.A