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ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA
Crl. Bail Appln. No.S-735 of 2023.

DATE OF HEARING	ORDER WITH SIGNATURE OF HON'BLE JUDGE
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18.03.2024

1. For orders on office objection 'A'.
2. For hearing of bail application.

Mr. Shahbaz Ali M. Brohi, advocate along with applicant
(on bail).

Mr. Muhammad Ramzan Chandio, advocate for
complainant along with complainant.

Mr. Ali Anwar Kandhro, Addl. P. G.

ORDER.

MUHAMAD SALEEM JESSAR-J Through instant bail application, applicant Hazar Khan son of Guhram Rind, seeks pre arrest bail in Crime No.118 of 2023 registered at Police Station Staurt Ganj, for offence punishable under sections 15, 17, 24 Gas Theft Recovery Act, 2016.

2. Facts of the prosecution case as enunciated in the F.I.R are that on 21.11.2023, complainant Fazal Muhammad, Deputy Manager, SSGC Larkana with Engineer Ghulam Abbas and Deputy Manager Ali Nawaz left their office of SSGC Shikarpur for checking the gas line. At about 01:30 p.m (noon), they came at Bhitai Hotel near Truck Adda, Allah Abad Colony Shikarpur, where they saw that accused Hazar Khan Rind was running a hotel with direct Sui Gas line, who on seeing them ran away. Complainant with assistance of technical team disconnected the direct gas connection of hotel of accused. He recovered iron socket, nipple and rubber pipe through which accused was committing theft of gas; he also recovered two commercial stoves through which accused was cooking the tea at hotel. Complainant flashed some photographs of

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place of incident. He brought case property at PS, where he lodged FIR of the incident against accused Hazar Khan Rind to the above effect.

3. I have heard learned counsel for the applicant, learned counsel for the complainant and learned Addl. P. G appearing for the State and perused the material available on record.

4. Admittedly the allegation against the applicant is that he allegedly while seeing the raiding team has fled away from the hotel; however, during investigation nothing has been brought on record whether the property/hotel where the applicant allegedly was making a tea is owned by him or he is tenant to said property, even the photographs taken by the raiding team/complainant party shows the hotel to be owned by one "SHAH" and not by the applicant. No documentary evidence or any material has been collected by the police to connect the applicant with the commission of alleged offence. All these aspects of the case are yet to be established by the prosecution at the time of trial through evidence. At this juncture in my view, the applicant has made out a good *prima facie* case for his admission to bail within meaning of sub-section (2) of Section 497 Cr.P.C. Consequently, the bail application is hereby allowed. Interim bail granted to the applicant on 11.02.2023, is hereby confirmed on the same terms and conditions. The applicant present is directed to continue his appearance before the trial Court till final decision of the case.

Judge

M.Y. Panhwar/**