

**ORDER SHEET  
IN THE HIGH COURT OF SINDH AT KARACHI**

Criminal Bail Application No. 556 of 2018

Date	Order with Signature of the Judge
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For hearing of bail application.

Heard on	:	31.07.2018
Date of order:	:	31.07.2018
For Applicant	:	Mr. Shamsul Hadi, Advocate.
For Complainant	:	Mr. S. Samiullah Shah, Advocate.
For State	:	Mr. Sagheer Abbasi, APG.

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**Kausar Sultana Hussain, J.:-** This bail application under section 498 Cr.P.C is preferred on behalf of applicant/accused Umar Zareen anticipating his arrest in case F.I.R No.170/2017, under section 381-A P.P.C registered with Police Station Sharafi Goth (ACLC), Karachi. Applicant/accused initially allowed interim pre-arrest bail by Court of learned V<sup>th</sup> Additional Session Judge, Malir Karachi, which was subsequently not confirmed vide order dated 31.03.2018. Applicant/accused was admitted to ad-interim pre-arrest bail by this Court vide order dated 12.04.2018 and today the matter is fixed for confirmation or otherwise.

2. Succinctly, the case of prosecution is that on 27.09.2017, complainant lodged F.I.R alleging therein that he is the owner of Tanker No.TLD-920, which was being driven by his driver. On 17.09.2017, when his driver left the Tanker un-attended for half an hour to take tea from a road side Hotel, someone stolen the vehicle. Complainant and his driver kept on searching the vehicle but could not succeed. Complainant come to know that his vehicle has been stolen by Umer Zareen and his three accomplices whose names are not known to him. Hence, this F.I.R.

3. Heard learned counsel for the applicant/accused, learned APG for the state and have also gone through available record before this Court. It is apparent that F.I.R was lodged after nine (9) days of the alleged theft without

furnishing any cogent reasons. Contents of F.I.R are quite silent about the sources of information as to how complainant came to such conclusion that applicant/accused is involved in the theft of stolen tanker. There is no ocular account available which could prima facie connect or incriminate the accused with the commission of present crime. Complainant and his driver have been cited as only private witnesses beside two formal witnesses who are police officials in the challan of the case. Nothing on record is available to corroborate the statement of the complainant and his driver nor any clue of stolen property surfaced by the police.

4. In view of above aspects of the case in hand, there appears no reason to decline the bail, hence bail before arrest interim order is hereby confirmed on same terms and conditions.

5. Needless to mention here that the above observations are tentative in nature and trial Court shall not be influenced with them in any manner whatsoever.

6. Above are the reasons for short order dated 31.07.2018.

JUDGE

M. Khan