

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

Cr. Bail Application No. 942 of 2021

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DATE	ORDER WITH SIGNATURE OF JUDGES
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For hearing of bail application.

**6<sup>th</sup> May, 2022**

Mr. Safdar Ali, Advocate for applicants.  
Mr. Talib Ali Memon, A.P.G.  
Mr. Khalid Saeed, Advocate for PARCO/complainant.

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Omar Sial, J: Sher Muhammad alias Sheral and Ameer Ali have sought post arrest bail in crime number 26 of 2021 registered under section 462-B P.P.C. at the Makhdoom Bilawal police station. Earlier, their application seeking bail was dismissed on 24.09.2021 by the learned 1<sup>st</sup> Additional sessions Judge, Dadu.

2. A brief background to the case is that the aforementioned F.I.R. was registered on 07.09.2021 on the complaint of Mohammad Taufique Khan Awan. The complainant reported that he is the security officer posted at PARCO Pumping Station No. 2. Earlier that day he received information by a colleague of his that he (colleague) smells diesel in the air near Ghulam Panhwar village in the land of applicant Sher Muhammad and that there is a ditch with footprints of 7 or 8 people around it. The complainant reached the identified spot and saw that an illegal connection had been made from PARCO's main pipeline. The F.I.R. was registered against Sher Muhammad and his sons Awais Ali, Ihsan and Ameer Ali.

3. The learned counsel for PARCO was asked to show any evidence that would indicate that the land where the ditch was and from where an illegal connection had been taken was owned or possessed by the applicants or at least to establish some connection of the land with the applicants. Learned counsel for PARCO had at that stage expressed his inability to do so. Order was thus reserved on 07.03.2022. Before the order could be announced, the learned APG and the learned counsel for PARCO requested that they be allowed to put on record evidence of the interest the applicants had in the land in question. Indulgence was given on 14.03.2022 as theft of a national asset was involved. The case was fixed again on 06.04.2022, 11.04.2022 and 14.04.2022 but no evidence be it in

the shape of documents or statements of nearby villagers or the mukhtiarkar or as a matter of fact any body was put on record.

4. The liberty of a person cannot be curtailed when PARCO and the State have both failed to show an iota of evidence connecting the applicants with the land in question. In view of the foregoing, the case of the applicants is one of further inquiry.

5. Above are the reasons for my short order dated 14.04.2022.

JUDGE