

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI

Crl. Bail Application No. 1406 of 2020

Date order with signature of Judge

For hearing of bail application.

18th January, 2021

Barrister Fayaz Ahmed, Advocate for applicant.

Mr. Zahoor Shah, DPG.

=====

Omar Sial, J: Mumraiz Khan has sought post arrest bail in crime number 277 of 2020 registered under sections 462-B, 462-C, 379, 34 and 511 P.P.C. at P.S. Steel Town. Earlier, his application seeking bail was dismissed on 10-9-2020 by the learned 5th Additional Sessions Judge, Malir, Karachi.

2. Facts of the case are that the aforementioned FIR was lodged on 10.6.2020 by Nadeem Javed Qureshi who was the security officer of PARCO. He recorded that while he was on an inspection he saw a place which looked suspicious. Upon further examination they saw that a tunnel was being dug which was going towards the oil pipeline owned by the company. The applicant was engaged in the digging and hence was arrested.

3. I have heard the learned counsel for the applicant as well as the learned DPG.

4. It is an admitted fact that the applicant is a laborer who had been engaged on a daily wage basis to dig the ground by one Shahzaib and Irfan. There is no evidence collected that would show that the hole being dug was with the intent of causing any damage to the oil pipeline or that it was with the intent of tampering with the pipeline. No investigation has been conducted as to who the owner of the land was nor has that person been included in the investigation. It will have to be determined at trial whether the applicant knew what he was doing or whether he was simply performing a task given to him on daily wages. The nexus of the applicant with the offence requires further inquiry.

5. Above are the reasons for my short order of 11-1-2021.

JUDGE