

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI
Criminal Bail Application No.382 of 2024
(Imran v. The State)

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| Date | Order with signature of Judge |
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1. For orders on office objection at A
2. For hearing of bail application

29.05.2024

Mr. Waqas Ali Chaudhry, advocate for the applicant
Mr. Sadaqat Ali Awan, Special Prosecutor SSGC

It is the case of the prosecution that the applicant was found committing theft of sui-gas, whereby he was running four generators of 30-KV each, producing electricity and supplying the same to inmates of Al-Asif Plaza and its neighbourhood, for which the present case was registered.

The applicant having been refused bail by learned Sessions Judge, Malir, Karachi, has sought the same from this Court by way of instant bail application under Section 498 Cr.P.C.

It is contended by learned counsel for the applicant that the applicant is innocent and has been involved in this case falsely the complainant otherwise he has nothing to do with the alleged incident; same even otherwise does not fall within the prohibitory clause, therefore, he is entitled to be admitted to pre-arrest bail on the point of malafide and further inquiry, which is opposed by learned Special Prosecutor SSGC by contending that the offence which the applicant has committed is affecting the society at large. In support of his contention, he relied upon the case of *Mian Haroon Riaz Lucky and another v. The State and others* (2021 SCMR 56).

Heard arguments and perused the record.

The applicant is named in FIR with specific allegation that he by committing theft of sui gas was found running four generators at Al-Asif Plaza Karachi producing the electricity and was selling the same to inmates of Al-Asif Plaza and its neighbourhood. In that situation, it would be premature to say that the applicant is innocent and has been

involved in this case falsely by the police at the instance of the complainant. The offence alleged against the applicant may not fall within the prohibitory clause but it falls within the exceptional clause for the reason that it involves theft of energy at the cost of public exchequer. It is affecting the society at large. The applicant after refusal of the pre-arrest bail somewhere in the year 2021 preferred to go in absconcion for more than two years and then by way of the instant bail application sought pre-arrest bail for him in the year 2024; his unexplained absence prima facie suggests that he is fugitive. There appear reasonable grounds to believe that the applicant is guilty of the offence with which he is charged, thus no case for grant of pre-arrest bail to him is made out.

Under the given circumstances, the instant bail application is dismissed.

J U D G E