

IN THE HIGH COURT OF SINDH CIRCUIT COURT MIRPURKHAS

CrI. Bail Application No.S-179 of 2024

DATE	ORDER WITH SIGNATURE OF JUDGE
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1. For orders on office objection.
2. For hearing of main case.

21.08.2024

Mr. Kamran Bhatti, advocate a/w applicant.
Mr. Dhani Bakhsh Mari, Assistant P.G Sindh.
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ORDER

Adnan-ul-Karim Memon, J: Through the instant bail application, the applicant Noman Haneef has approached this court for a grant of pre-arrest bail in terms of Section 498-Cr.P.C in F.I.R No.70/2024 registered for offenses under Section 462(i) P.P.C registered with PS Tando Jan Muhammad. The earlier bail plea of the applicant has been declined by the trial court vide order dated 31.07.2024 in bail before application No. 866 of 2024 on the premise that no extraordinary circumstances exist in favor of the applicant as complainant produced the secured Kunda and wire before the Investigating Officer and were seized under Mashirnama. Besides, the applicant failed to establish any enmity on the part of the complainant and the police.

2. The accusation against the applicant is that on 24.07.2024 he was found committing theft of electricity, such report of the incident was given to the police of Tando Jan Muhammad on the same day who registered the FIR against the applicant under section 462(i) PPC. The applicant being aggrieved by and dissatisfied with the inclusion of his name in the FIR approached this court, and the applicant was admitted on ad-interim pre-arrest bail vide order dated 02.08.2024.

3. At the very outset, learned counsel for the applicant states that the allegations against the applicant is that he is using electricity directly by applying Kunda but the same has not been recovered from the possession of the applicant as he was not arrested on the spot; however, he has

produced the copy of paid bill of electricity which shows that no dues are outstanding against him as such there was no need to use the Kunda for electricity purpose. He prayed for allowing the bail application.

4. The above position was confronted to the learned A.P.G who stated that if the bill has been paid, the trial court may be directed to conclude the trial within one month. Be that as it may, since the offense U/S 462(i) P.P.C is punishable up to three years, no fruitful result would come out to send the applicant/accused behind bars for an indefinite period.

5. In view of the above, the interim pre-arrest bail granted to the applicant/accused vide order dated 02.08.2024 is hereby confirmed on the same terms and conditions. Learned trial court is directed to conclude the trial within one month positively and if the charge has not been framed, the same shall be framed before the date so fixed by the trial Court. In case of failure on the part of the trial Court, the matter shall be referred to the MIT for refereeing the matter to the competent authority for appropriate order on the administrative side.

6. The observation recorded hereinabove is tentative and shall not prejudice the case of either party at trial.

JUDGE

Faisal