

ORDER SHEET

IN THE HIGH COURT OF SINDH CIRCUIT COURT, LARKANA.

Cr. Bail Applns. No. S- 86 and 90 of 2014.

Date of hearing Order with signature of hon'ble Judge

1. For orders on office objection as flag A.

2. For Hearing.

31.03.2014.

Mr. Mazhar Ali Bhutto, advocate for the applicants.

Mr. Imtiaz Ali Jalbani, A.P.G.

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By this common order, I intend to dispose of above captioned bail applications as same relate to Crime No.12/2014 registered at P.S Nasirabad U/Ss 324, 353, 120-B, 511 PPC.

2. Precisely, it is alleged that applicants Abdullah and Ghulam Rasool serving in Sindh Police were posted at Bothrow police picket located adjacent to PARCO Pipeline Pako Water, they hatched criminal conspiracy with the PARCO employees namely Mohammad Fazal and Mehboob, thereby attempted to commit theft of oil with their companions Zulfiqar, Najamuddin @ Najo and others.

3. Learned counsel for the applicants has interalia, contended that except allegation of attempt in instant case there is no evidence that they have remained involved in such type of activities previously; instant case is lodged due to rivalry between high officials. Although police has applied sections 324 and 353 but ingredients of said sections are missing thus they are entitled for bail.

4. On the other hand, learned A.P.G has argued that the applicants being government servants have attempted to commit theft from pipeline of PARCO Oil Company therefore, they are not entitled for bail.

5.  Heard learned counsel and perused the record.

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6. After consideration of contentions raised by learned counsel and scanning available record, it is surfaced that applicants were alleged that they with the collusions of PARCO employees tried to commit offence of theft of oil from the pipeline of PARCO. Further it is alleged that their accomplices caused firing upon the police party and in retaliation police also caused straight firing but it is matter of record that none has received any injury or even scratch from either side or any vehicle was damaged. Moreover, alleged offence was committed in the night time, even then accused were identified with specific details on source of lights of vehicle, hence this version is not appealable to a prudent mind. Besides, PARCO company has not lodged instant report, thus present circumstances reveals that instant matter requires further probe. Moreover, prosecution has not brought any iota of evidence to substantiate the allegation of conspiracy by the applicant Mehboob @ Mehboob Illahi alongwith other accused persons.

7. Keeping in view the given circumstances, I am of the considered view that applicants have succeeded to bring their case within purview of subsection(2) of section 497 Cr.P.C therefore, they are entitled to bail.

8. For the foregoing reasons in detail, by short orders dated 31.03.2014, captioned bail applications were allowed and the applicants were granted bail subject to furnishing solvent surety in the sum of Rs.100,000/= each and P.R bond in the like amount to the satisfaction of trial Court.

9. It is needless to mention here that the observations given hereinabove are tentative in nature, same will not prejudice the case of either party at trial.


JUDGE