

ORDER SHEET
HIGH COURT OF SINDH AT KARACHI
Crl. Bail Application No.1921 of 2024.

Date	Order with signature of Judges
------	--------------------------------

For hearing of Bail Application.

21.11.2024.

Mr. Shakeel Ahmed, Advocate for the Applicant.
Mr. Muhammad Iqbal Awan, Addl. Prosecutor General.
Mr. Ghulam Sarwar Baloch, Assistant Attorney General.
Mr. Ahmed Ali Gabol, Advocate for the Complainant
ASI Mujahid Ahmed, PS Sukhan.

Mohammad Karim Khan Agha, J:- Applicant Kashif Ali was booked in FIR No.345/2024 under Section 462-B/462-C/34 PPC registered at PS Sukhan, Karachi. He applied for post arrest bail before the Court of Additional Sessions Judge-I Malir Karachi which was declined vide order dated 31.07.2024. Hence the applicant approached this Court for post arrest bail.

2. Brief facts of the prosecution story are that on 10-06-2024 at 1700 hours the complainant and his staff were checking the Pipe Line Machine of Parco Machine when they were found CJ.amp affixed on Parco Pipeline which was consisting upon D1, D2, D3, D4, further Checking found Tunnel, which on was passing from Pipeline towards Compound D1, D2, D3 & D4, the length of 15 Feet was inside the Plot, on further digging found one High Pressure Pipe Which with Clamp, Clamp was Pipeline, was affixed with Parco found three Handles, one High Pressure Gauge Length 85 Feet and same was being theft through Pipeline by way of Tunnel towards Compound D1, D2, D3 & D4, such information was provided to the Police Station and arrested the Chowkidars and removed such Pipeline from the Parco Pipeline Company, and taken into custody as a proof. Hence the aforesaid FIR was lodged against the applicant.

3. I have heard learned counsel for the applicant. I have also heard learned Addl. Prosecutor General Sindh, learned Assistant Attorney General of Pakistan, and learned counsel for the Complainant, both have opposed the grant of bail.

Applicant in effect is a Watchman who ought to have ensured that no theft of petrol occurred but when he was arrested on the spot detection of theft of petrol through pipeline by way of tunnel was on going and he was fully aware and involved in the theft of petrol which being carried out in a sophisticated manner. Offence itself carried maximum sentence of 14 years. Section 161 Cr.PC statements of prosecution witnesses have been recorded who fully support prosecution. The items used in the theft of petrol were recovered from the place of theft where the applicant was arrested red handed on the spot.

6. Based on the above discussion I find sufficient evidence to link the applicant/accused to offence as such the post arrest bail of the applicant **Kashif Ali** is dismissed.

7. It is made clear that this order is only after a tentative assessment of the evidence available on record and would have no bearing on the trial of the applicant which shall be decided by the concerned trial Court based on the evidence placed before it. A copy of this order shall be sent to District Judge Malir Karachi when this matter put up for taking cognizance shall ensure that the trial is completed expeditiously.

8. The instant criminal bail application stands disposed of in the above terms.

JUDGE

MAK/PS