

IN THE HIGH COURT OF SINDH AT KARACHI

Cr. Bail Application No. 1222 of 2025

APPLICANT : Aftab Hussain s/o Jans Khan
Through Mr. Qamar Iqbal, Advocate

RESPONDENT : The State
Through Ms. Robina Qadir, D.P.G.

Date of hearing : 04.06.2025

Date of short order : 04.06.2025

Date of reasons : 03.07.2025

ORDER

Omar Sial, J.: Applicant has sought post-arrest bail in crime No. 62 of 2025 registered under section 381, 34 PPC at Police Station Landhi, Karachi. His earlier bail plea was dismissed on 05.04.2025 by the learned 14th Additional Sessions Judge, Karachi East.

2. Brief facts of the case are that Muhammad Subhan Ansari recorded that he owns an oil/ghee shop. He was suspicious for three months that someone is stealing from his shop and warehouse. He alleged that the following goods were stolen:

1. 200 cartons of 1Kg of Khajoor brand
2. 100 cartons of ghee Suad brand
3. 50 Balti of ghee of Parcham brand
4. 50 balti of ghee of Rivayat brand
5. 100 Canister oil of Pukaar brand
6. Cream
7. 50 balti of ghee Behar brand
8. 50 cartons of ghee Kareem brand
9. 50 balti of ghee Tohfa brand
10. 50 balti ghee of Khajoor brand
11. 100 cartons of ghee Rivayat brand

He suspected that his employees (i) Aftab Hussain, (ii) Abrar Hussain, (iii) Nazar Muhammad and their friend (iv) Shafiq were the thieves.

Subsequently, Aftab Hussain was arrested on 29.01.2025. Allegedly 10 cartons of ghee were recovered on the applicant's pointation.

3. I have heard the learned counsel for the applicant and the learned Deputy Prosecutor General. My observations are as follows:-

4. Admittedly, not a shred of evidence is on record to show that the goods the complainant says were stolen were indeed owned by him and his possession. It is also an admitted position that not a shred of evidence is on record to establish that the cans of ghee allegedly recovered on the applicant's pointation were the same as the ones the complainant says were stolen. Admittedly, not a shred of evidence that the applicant was an employee of the complainant to attract section 381-A P.P.C. offence. It is also strange that the police was unable to track down the remaining stolen goods, if they had the real culprit, who was also cooperating fully with the investigation. In view of above, case against the applicant is one of further inquiry.

5. An offence under Section 381-A P.P.C. though non-bailable falls within the non-prohibitory clause of section 497 Cr.P.C. Keeping in mind the principles enunciated by the Supreme Court in Tariq Bashir and five others Vs. The State (PLD 1995 SC 34), I do not see any exceptional or extraordinary ground to deny the applicant bail.

6. Above are the reasons for the short order dated 04.06.2025.

JUDGE