ORDER SHEET

IN THE HIGH COURT OF SINDH CIRCUIT COURT HYDERABAD

Criminal Bail Application No.S-560 of 2026

Applicants:	Watyo son of Moula Bux Gaincho, Hakim Ali son of Watyo Gaincho and Sikandar son of Moharram Gaincho through Mr. Ashique Hussain D. Solangi, Advocate.
Complainant:	Through Mr. Khalid Saeed Soomro, Advocate.
The State:	Through Ms. Sana Memon, A.P.G for the State.
Date of hearing:	28.10.2026.
Date of order:	28.10.2026.

O R D E R

OMAR SIAL, J. Watyo, Hakim Ali and Sikandar the applicants, have sought post arrest bail in crime number 09 of 2026 registered under sections 462-B, 427, 379, 34 P.P.C. r/w Section 6(2d-2L) 7 ATA 1997 at P.S. Sehwan. Earlier, their application seeking bail was dismissed on 27.04.2026 by the learned Additional Sessions Judge, Sehwan.

2- Briefly, the prosecution case is that on 17.01.2026 at 1900 hours, the complainant (Assistant Security Officer at PARCO Pumping Station-II, Bubak) along with subordinate staff left for patrolling and reached PARCO Pipeline K.M. 213 at 2030 hours, where they noticed signs of freshly dug earth smelling of petrol and a tractor-trolley parked at a distance. Upon pursuit, the complainant party spotted eight persons in the beam of torchlight who abandoned the tractor-trolley—stuck in the mud—and fled. After informing the control room, S.H.O. P.S. Sehwan, and PARCO maintenance in-charge Zahid Hussain, excavation was carried out on 18.01.2026 under police supervision, leading to the recovery of a 240-foot high-pressure black pipe illegally affixed to the PARCO main line. The pilfered oil, measured by operator Ghulam Sarwar, totaled 3,624 liters. Consequently, the instant F.I.R. was lodged on 18.01.2026 at 1730 hours against land owner Fahad Shah, Watyo, Hakim Ali, and Sikandar (all by caste Gaincha) along with unknown persons.

3- Heard the learned counsel for the applicant/accused, complainant as well as the learned Assistant Prosecutor General, Sindh.

4- A tentative assessment of the material on record reveals that four persons, namely Fahad Shah, Watyo, Hakim Ali, and Sikandar, were nominated in the F.I.R., yet none were subjected to an identification parade after their arrest. Their implication appears solely based on their status as land owner (Fahad Shah), Kamdar, and tenant farmers, as reflected in the Mukhtiarkar's report. Significantly, the land owner Fahad Shah was declared innocent during investigation and released, while the Investigation Officer (I.O.) recommended the discharge/let-off of all remaining accused for lack of incriminating evidence, though the learned trial Judge disagreed with the said recommendation.

5- Furthermore, the alleged offense under Section 462-B, P.P.C. falls within the non-prohibitory clause of Section 497 Cr.P.C. The anti-terrorism charges were previously deleted, which order remained un-challenged by PARCO. Notably, there is no official report or statement on record from an authorized officer of PARCO confirming oil theft through their automated monitoring/computer systems; when confronted with this aspect, the complainant offered no explanation.

6- Regarding the co-accused Uris, although the learned A.P.G. and learned counsel for PARCO emphasized his alleged criminal antecedents, it transpires that the primary cases pertain to his brother, and Uris cannot prima facie be held vicariously liable for his brother's acts. Lastly, despite allegations of a defective/malafide investigation, PARCO failed to demonstrate any efforts to bring such lapses to the notice of high police authorities or to approach the Justice of the Peace.

7- In view of the above circumstances, the case against the applicants calls for further inquiry under Section 497(2) Cr.P.C. Consequently, the applicants are admitted to post-arrest bail subject to furnishing solvent surety in the sum of Rs.200,000/- each with P.R. Bond in the like amount to the satisfaction of the trial Court.

J U D G E

Ahmed/Pa,

Four people were nominated in this FIR namely Fahad Shah, Watyo, Hakim Ali and Sikandar. Even these four were not identified however they were implicated because Fahad Shah was the owner of the land, one was the Kamdar and the other remaining two were Farmers. The prosecution relies on a report from the Mukhtiarkar, which shows that they were Farmers. Fahad Shah, who is said to be the owner, was released as being innocent. The investigating officer who conducted the investigation recommended to that all the accused should be let-off as he has found no evidence against them. The learned Judge did not agree with this recommendation. An offence under Section 462-B falls within the non-prohibitory clause. The terrorism offences were earlier deleted and no challenge was put up by PARCO to that deletion. There is no report on file issue by PARCO or a statement from the authorized officer of PARCO regarding the theft of the oil reported by that computer systems. When the complainant is confronted such fact, but he preferred to remain silent. No identification parade was held subsequent to the arrest. Learned A.P.G and the learned counsel for the PARCO have stressed heavily on the fact that there is a previous case registered against co-accused Uris however after speaking to the complainant it appears that although co-accused Uris might have been involved previously the primary antagonist is his brother who seems to have similar cases registered against him. Uris prima facie is not responsible for the doing of his brother. While, learned counsel has stressed on defective investigation as because of the ambiguity which has appeared in this case, learned counsel has been unable to show to me any effort made by PARCO to address the lapses in investigation, right to the higher-up's that the investigation was being carried out with malafided or approach with Justice of Peace with such complaint.