

ORDER SHEET

IN THE HIGH COURT OF SINDH AT KARACHI

Cr. Bail Application No.2045 of 2021

For hearing of bail application

Date of hearing 15.11.2021

Mr. Saqib Ali Awan, Advocate for the applicant.

Mr. Malik Sadaqat Khan, Advocate for Sui Southern Gas Company.

AHMED ALI M. SHAIKH, J.- Applicant, indicted in crime No.44/2020 under Sections 15, 17 and 24 of the Gas (Theft, Control and Recovery) Act, 2016 (the “**Act**”) registered with PS SSGC, Karachi, seeks post arrest bail. Earlier, his application for anticipatory bail was declined by this Court vide order dated 08.02.2021 whereafter he made post arrest bail application before the trial Court, which too met with the same fate vide orders impugned herein.

2. Briefly facts of the case are that on a tipoff complainant Jamshed Rasheed Awan alongwith a team of SSGC staff and police personnel raided a factory situated at plot No.277, Street No.6, Sector 11-1/2 Orangi Town, Shah Waliullah Nagar, Karachi and found an auxiliary lane with rubber pipe having direct gas connection for running a 16 KVA generator meant to power sewing machines, lights, boiler, etc. installed there. After disconnecting and sealing the illegal connection, the team recovered one service valve, one valve with socket, two T nipples, one rubber pipe, etc. It was later revealed that applicant is owner of the said factory.

3. At the very outset, learned counsel for the applicant submitted that per prosecution the applicant was found involved in gas theft causing monetary loss to the SSGC out of which he has deposited Rs.800,000.00. He further submitted that the applicant is willing to pay the remaining amount in instalments within six months. In support, the learned counsel has also filed his personal handwritten undertaking, which is taken on record.

4. Mr. Malik Sadaqat Khan, Advocate appearing for the Sui Southern Gas Company while confirming the payment of Rs.800,000.00 very frankly concedes that as major portion of the monetary loss caused to the Company has been made good and his counsel has also filed an undertaking assuring payment of balance amount in monthly instalments he has no objection to the release of the Applicant on bail.

5. Heard learned counsel for the Applicant, SSGC and perused the material available on record. It appears that earlier the Applicant approached the trial Court and this Court for anticipatory bail but could not succeed. Later on he deposited an amount of Rs.800,000.00 through pay order, copy available on record, in the name of SSGC. Learned counsel for the applicant has also filed a handwritten undertaking regarding payment of remaining liability in instalments by the Applicant within six months. Besides, learned counsel for the SSGC during hearing has also given his no objection if the applicant is released on bail. Apart from above, there is nothing on record to show that the Applicant had earlier remained involved in cases of similar nature or is a previous convict. Furthermore, he has been in jail since February, 2021 and the PWs cited in the challan are officers of SSGC or police, deputed at SSGC Police Station. However, in case the applicant fails to honour his commitment in clearing his liability, the SSGC would be at liberty to approach the trial Court for cancellation of the concession of bail granted to him.

For the foregoing reasons, no objection recorded by the learned Counsel for the SSGC and as the applicant has paid major chunk of the amount and is ready to deposit the remaining amount in six months, the Applicant was granted bail vide short order passed on 15.11.2021.

Chief Justice

Dated: 19.11.2021