

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI

Cr. Bail Appl. No.1533 of 2023
Cr. Bail Appl. No.1534 of 2023

Date	Order with signature of Judges
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For hearing of Bail Application

27.02.2024.

Mr. Musharraf Azhar, Advocate for the applicant.
Malik Sadaqat Khan, Special Prosecutor SSGC.

Mohammad Karim Khan Agha, J. Applicant Syed Aminuddin S/o. Syed Jamaluddin has been booked in two cases in respect of Crime No.45/2021 and 47/2021 U/s. 15 & 24 of Gas Theft Control and Recovery Act, 2016 registered at PS SSGC, Karachi. He applied for pre-arrest bail in respect of both FIRs which was declined by the Sessions Judge, Malir Karachi vide order dated 04.12.2021, hence, the applicant has approached this Court in respect of both the FIRs for pre-arrest bail.

2. Brief facts of the case in each of the FIR in essence are that the SSGC made a raid at Al-Asif Square where they discovered generators illegal gas connections which according to them are directly associated with the applicant.

3. I have heard the parties and perused the record.

4. With regard to first FIR No.45/2021, it appears that there is no evidence on record to show that the applicant has any connection with Al-Asif Square, Block-B, where the raid was made. He neither has any shop there or residency in Block-B. He also claims that generators are not his. With regard to FIR No.47/2021 where a large generator was recovered from Al-Asif Square the applicant claimed that he has nothing to do with the generator. The sentence for this offence is minimum of 05 years and maximum of 10 years and as a general rule the lower sentence is considered for the grant of bail. Although there is a section 161

statement of one Firdous S/o. Sakhi who states that the generators belongs to the applicant. It is noted that the generators have now been recovered as well as the pipes and other connection used to steal the gas, as such it appears that this evidence cannot be tampered with. The applicant is no longer required for investigation as the charge has already been framed. There is potentially some malafide in this case as allegedly the applicant was supporting the ethnic community who were mainly occupying Al-Asif Square.

5. Based on the above discussion, I find that these cases are of further enquiry and accordingly in each of the case pre-arrest bail granted earlier granted by this Court on 17.07.2023 to the applicant Syed Aminuddin S/o. Syed Jamaluddin is confirmed on the same terms and conditions.

6. 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 outcome of the trial of the applicant which shall be decided by the concerned Gas Utility Court District Malir on merits based on the evidence placed before it. The trial court is directed to complete the trial within 03 months of the date of this order. Copy of this order shall be sent to Gas Utility Court District Malir for compliance.

7. Both the criminal bail applications stand disposed of in the above terms.

JUDGE

M. Arif