

IN THE HIGH COURT OF SINDH AT KARACHI

Cr. Bail Appln. No. 3333 of 2025

Applicant: Muhammad Azam through Mr. Syed Rashid Rizvi, Advocate.

Respondent: The State through Malik Sadaqat Khan, Special Prosecutor, SSGC.

Date of hearing: 25.3.2026.

Date of order: 25.3.2026.

ORDER

TASNEEM SULTANA, J :- Through this Criminal Bail Application, applicant Muhammad Azam Mughal seeks pre-arrest bail arising out of FIR No. 69/2025, registered for the offence under Sections 15/24 of the Gas (Theft Control and Recovery) Act, 2016, at Police Station SSGC, Karachi, Having been rejected his earlier pre-arrest bail application No. 82 of 2025 passed by special Judge, Gas Utility Court, Karachi vide order dated 22.11.2025, hence this application for the same concession.

2. Brief facts of the prosecution case are that on 05.11.2025 at about 1330 hours, complainant Dr. Abdul Rasheed Kalwar, Manager, SSGC, Karachi, along with technical staff and a police party, acting upon spy information, reached near Roti Corporation Society, Gulshan-e-Maymar, Karachi, where, after excavation, an illegal gas connection was detected from a 125 mm plastic line through a 63 mm plastic pipe, by means whereof gas was allegedly being supplied to about 160/180 houses. The said connection was disconnected at the spot, and the pipes were taken into possession and sealed. It is further alleged that the spy informer disclosed the names of Muhammad Azam Mughal (Applicant), and Qurban Ali Rahim as being involved in the alleged gas theft and further disclosed that an advance amount of Rs.20,000/- and monthly charges of Rs.1,500/- from each house were being received. Consequently, the present FIR was lodged.

3. Learned counsel for the applicant contended that the applicant is innocent and has been falsely implicated; that he was not present at the spot at the time of the alleged raid; that no recovery has been effected from him; that the entire case rests upon the statements of SSGC officials and no private witness from the alleged 160/180 houses has been examined; that there is no direct evidence connecting the applicant with the alleged offence; and that the offence does not fall within the prohibitory clause. On these submissions, learned counsel urged that the prosecution case against the applicant calls for further enquiry and prayed for bail.

4. Conversely, the learned Special Prosecutor, SSGC, opposed the application and supported the impugned order.

5. Heard. Record perused.

6. Prima facie, it appears that the prosecution case is based on the statement of the complainant, who is an official of SSGC, along with other official witnesses. Admittedly, any private witness from the alleged affected houses has not been cited or examined by the prosecution to substantiate the allegation that the applicant was involved in theft, supplying gas illegally, or collecting money from the consumers. It is also an admitted position that the name of the applicant surfaced solely through spy information, which by itself carries weak evidentiary value at this stage.

7. It is further an admitted position that the applicant was not apprehended at the spot and no incriminating article was recovered from his possession. The nexus of the applicant with the alleged offence, therefore, requires further inquiry within the meaning of Section 497(2) Cr.P.C., and is a matter to be determined after recording evidence at trial.

8. In view of the above facts and circumstances, the learned counsel for the applicant has succeeded in making out a case for further inquiry as envisaged under Section 497(2) Cr.P.C. Consequently, the instant Bail Application was allowed and the interim pre-arrest bail granted to the applicant Muhammad Azam Mughal vide order dated 12.12.2025 was confirmed on the same terms and conditions. These are the reasons for the short order dated 25.3.2026.

9. The observations made herein are tentative in nature and shall not prejudice the case of either party at trial.

JUDGE