

THE HIGH COURT OF SINDH AT KARACHI

Criminal Bail Application No.2704 of 2025

Applicants : Ali Nawaz and Ghulam Qadir both sons of Lal Khan through Mr. Nadir Khan Burdi, Advocate along with Mr. Zeeshan Asad, Advocate

Complainant : SSGC through Mr. Malik Sadaqat Khan, Advocate

The State : through Mr. Sharaf-u-Din Kanhar, Assistant Prosecutor General, Sindh

Date of hearing : 20.05.2026

Date of decision : 20.05.2026

ORDER

Jan Ali Junejo, J.- Through this Criminal Bail Application, Applicants—Ali Nawaz and Ghulam Qadir both sons of Lal Khan, seek pre-arrest bail in FIR No.86 of 2024, registered at Police Station SSGC, for offence punishable under Section 14, 15, 24 of the Gas (Theft, Control & Recovery) Act, 2016, calling in question the Order dated 27.09.2025, passed by the Gas Utility Court Karachi, Division, whereby, their pre-arrest bail application was dismissed. The Applicants were granted ad-interim pre-arrest bail by this Court *vide* Order dated: 08.10.2025.

2. Briefly stated, the prosecution case as disclosed in the FIR is that on 14.11.2024 at about 1830 hours, Complainant-Dr. Abdul Rasheed Kalwar, Deputy Manager SSGC, Karachi, along with his staff, acting upon spy information, reached at open Kacha area, near Chandu Village Pak Land Road, Karachi, noticed a smell of gas and signs of digging, where after, upon excavation, it was discovered that an illegal gas connection had been taken from the SSGC pipeline through a 2-inch Molar-T (40mm wide) connected with two plastic pipes, supplying gas illegally to about 1200 houses of Village. The illegal line was disconnected on the spot and certain paraphernalia, including black tap, yellow tape, and a Sunbba were seized and handed over to the police. On enquiry, the Complainant party came to know that the said connection had been installed by accused Allah Wadhaya, Ghulam Qadir, Ali Nawaz and Shams UI Alfeen, but none of them, were present at the spot; hence, the FIR.

3. Learned Counsel for the Applicants contended that the Applicants are innocent and have falsely been implicated with mala fide intention. He argued that neither the Applicants were arrested at the place of occurrence nor were they seen committing any act of tampering or theft. It was submitted that the names of the Applicants surfaced only through an undisclosed spy informer, whose identity has not been disclosed and whose information has no independent corroboration. Learned Counsel further argued that no statement of any alleged beneficiary from the 1200 houses of Chando Goth and Mehmood Kalmati Goth was recorded by the Investigating Officer to connect the Applicants with the alleged offence. He further submitted that the Applicants have joined the proceedings, have misused no concession of bail, and there is no likelihood of absconson. He lastly prayed that ad-interim pre-arrest bail already granted to the Applicants may be confirmed. In support of his contentions, learned Counsel for the Applicants has placed reliance upon the case laws reported as MUHAMMAD SHAFIQUE and another *versus* The STATE and others [2017 SCMR 79], SOHAIL UDDIN *versus* The STATE [2020 P Cr. L J 957], SHABBIR HUSSAIN *versus* The STATE and another [2013 MLD 1303] and MUHAMMAD AMIN *versus* The STATE [2017 YLR 609].

4. Conversely, learned Counsel for SSGC strongly opposed the application and argued that the Applicants are specifically nominated in the FIR with definite roles of organized gas theft and illegal supply of natural gas to hundreds of houses for monetary gain. He submitted that such offence causes huge financial loss to the national exchequer and deprives genuine consumers of essential utility services. It was further argued that the Applicants are involved in an organized economic offence and extraordinary relief of pre-arrest bail is not available in such like matters. He prayed for dismissal of the application and recall of interim bail.

5. Learned Assistant Prosecutor General, Sindh has adopted the arguments advanced by learned Counsel for SSGC and additionally submitted that investigation has collected sufficient incriminating material against the Applicants. He argued that no mala fide on the part of Complainant or police has been established and the Applicants have failed to make out a case for extraordinary relief of pre-arrest bail. He therefore prayed for dismissal of the application.

6. I have heard learned Counsel for the Parties and have gone through the material available on record with their able assistance. It is a settled proposition of law that pre-arrest bail is an extraordinary relief which is granted only in exceptional circumstances where an accused is

able to show mala fide, ulterior motive, abuse of process of law or intended humiliation at the hands of the Complainant or police. Such relief is not to be granted as a matter of course. In the present case, admittedly the Applicants were not arrested at the place of incident. No private witness from the locality or from any of the alleged 1200 beneficiary houses of Chando Goth and Mehmood Kalmati Goth has come forward to state that gas was being supplied by the Applicants or that any amount was being collected by them. Their names appear in the FIR solely on the basis of information allegedly furnished by an undisclosed spy informer. At this stage, the evidentiary value of such source information without independent corroboration is yet to be tested during trial. It is also significant that despite grant of ad-interim pre-arrest bail, nothing has been placed on record to show that the Applicants misused the concession of bail, attempted to influence witnesses, hampered investigation or absconded. They have appeared before the Court and submitted themselves to the jurisdiction of law.

7. The question whether the Applicants were actually involved in tampering with the gas line, collecting money, or supplying stolen gas to the residents requires deeper appreciation of evidence, recording of statements, and full-fledged trial. At this tentative stage, further inquiry within the meaning of Section 497(2), Cr.P.C., is made out. So far as seriousness of allegations and alleged loss to public exchequer are concerned, there can be no cavil with the proposition that theft of public utility resources is a serious matter; however, gravity alone cannot be made sole ground to deny bail where the connecting evidence requires further probe and no exceptional circumstances for refusal of bail are shown.

8. For the foregoing reasons, this Criminal Bail Application is **allowed**. Consequently, the ad-interim pre-arrest bail already granted to Applicants, namely, Ali Nawaz and Ghulam Qadir both sons of Lal Khan, arising out of FIR No.86 of 2024, registered at Police Station SSGC Karachi, for offence punishable under Section 14, 15, 24 of the Gas (Theft, Control & Recovery) Act, 2016 is hereby confirmed on the same terms and conditions. The observations herein are tentative and confined to the decision of bails. The trial Court shall not be influenced thereby and shall adjudicate strictly on the evidence led before it.

JUDGE