

IN THE HIGH COURT OF SINDH KARACHI
Cr. Bail Application No.1025 of 2026

Applicant : Syed Azhar Ali s/o Syed Mansoor Ali,
Through Mr. Muhammad Ishaq Ali,
Advocate

Complainant : SSGC Karachi
Through Mr. Malik Sadaqat Khan,
Advocate

Respondent : The State
Through Mr. Dur Muhammad Shah, DAG

Date of hearing : 04.05.2026
Date of order : 14.05.2026

ORDER

MIRAN MUHAMMAD SHAH, J:- Through this application, the applicant Syed Azhar Ali s/o Syed Mansoor Ali, seeks post-arrest bail in Crime No.06/2025, registered at Police Station SSGC Karachi, under sections 15, 17 & 24 of Gas Theft Control and Recovery Act, 2016. The earlier bail application filed by the applicant for the same relief was dismissed by the learned Judge of the Gas Utility Court, Karachi Division, vide order dated 25.02.2026.

2. The facts of the case need not to be reproduce herein, as the copy of FIR is attached with the bail applications and the facts are also stated in detail therein.

3. Heard learned counsel for the applicant, learned counsel for complainant as well as learned DAG, and perused the record.

4. In the present matter, after hearing all the parties concerned, this Court has reached to the conclusion that a settlement had taken place between the complainant company (SSGC) and the main accused. The main accused, being the owner of a bakery, allegedly, by way of tampering, was committing theft of gas for the bakery oven and has now settled the dispute with the

complainant company by depositing a sum of Rupees Ten Lakh Ten Thousand, whereas the remaining liability has been structured through installments. Such arrangement has been accepted by the complainant. Based on such settlement, the main accused has already been granted bail and, while he is enjoying the benefit of liberty, the present applicant/accused remains behind bars. Admittedly, the present applicant/accused was not nominated in the FIR and his name was placed in the challan sheet on the basis of the statement of an informer, whose evidence is not admissible at the time of trial. The sections applied in respect of gas theft do not fall within the prohibitory clause; hence, bail in such cases is a rule and refusal an exception. Even on the principle of consistency, the main accused, being the actual culprit of the alleged gas theft, has already settled the dispute with the complainant company and resultantly, has obtained bail, whereas the alleged facilitator remains behind bars for the last four months. In all fairness to the present applicant, his confinement is not serving any useful purpose other than causing him humiliation and hardship at the instance of the complainant. The case has already been challaned and the accused persons have been sent up for trial. The present applicant/accused is no longer required for any further investigation. Now, it is for the learned trial Court to examine the prosecution witnesses and decide about the guilt or otherwise of the present applicant/accused. In light of the above observations, the present applicant appears to have made out a case for further inquiry and, therefore, is entitled to the concession of bail. Consequently, the present applicant/accused is admitted to bail subject to furnishing solvent surety in the sum of Rs. 100,000/- (Rupees One Hundred Thousand only) and P.R. bond in the like amount to the satisfaction of the learned trial Court.

5. Needless to mention here that the observations made herein above are tentative in nature and would not influence the trial court while deciding the case of the applicants on merits.

JUDGE

Suleman Khan/PA

