

IN THE HIGH COURT OF SINDH KARACHI

Cr. Bail Application No.3429 of 2025

Cr. Bail Application No.3560 of 2025

Applicants : i. Abdul Sami Khemtio son of Inam Ali
Through Mr. Saleem Raza, Advocate

ii. Muhammad Mushtaque Bhatti s/o
Allah Wasayo,
Through Mr. Gulzar Hussain Advocate

Respondent : The State
Through Mr. Sadaqat Khan SPP, SSGC

Date of hearing : 28.04.2026
Date of order : 28.04.2026

ORDER

MIRAN MUHAMMAD SHAH, J:- This order disposes of two captioned criminal bail applications filed by applicants Abdul Sami Khemtio and Muhammad Mushtaque Bhatti, as both arise out of the same crime i.e. Crime No. 57/2025, registered at Police Station Sachal, under Sections 15 and 24 of the Gas Theft Control & Recovery Act, 2016. For the sake of convenience, consistency, and to avoid conflicting findings, both bail applications are being decided through this single consolidated order. Earlier the bail applications of the applicants were dismissed by the learned Gas Utility Court, Karachi vide order dated 09.12.2025. The applicants were granted interim pre-arrest bail by this Court vide orders dated 12.12.2025 and 26.12.2025 respectively. The matter is now fixed for confirmation or otherwise of the said bail.

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

3. I have heard learned counsel for the applicant as well as learned Special Prosecutor SSGC and perused the record.

4. As per the prosecution case, the complainant, who is Deputy Manager in SSGC, acting on spy information, visited the place of incident and allegedly found a 63 mm plastic pipe attached to a 6-inch distribution line of SSGC, through which gas was being illegally supplied to approximately 300 houses in Gulshan-e-Jamal and alleged that the present applicants are involved in the said gas theft. It appears that the complainant claims to have received prior information regarding theft of the gas, but no independent person from the locality has been associated as witness or mashir and all the witnesses are officials of SSGC. On the other hand, the applicants have denied the allegations and claimed false implication due to malafide intention and ulterior motives. The case is mainly based on oral and hearsay allegations. The claim that gas was being supplied to 300 consumers of the society has not been supported by any independent witness, including any member of the said society. Such disputed questions of fact can only be determined at trial after recording of evidence. At this stage, the case of the applicants requires further inquiry as contemplated under Section 497 Cr.P.C. The case has been challaned and, as per the learned Special Prosecutor, charge is to be framed and the trial is to proceed. The accused persons are regularly attending the trial and there is nothing on record to suggest misuse of the concession of interim pre-arrest bail. In these circumstances, the applicants have succeeded in making out a case for confirmation of their pre-arrest bail. Accordingly, the interim pre-arrest bail granted to the applicants vide orders dated 12.12.2025 and 26.12.2025 is hereby confirmed on the same terms and conditions.

5. Needless to mention here that the observation made herein above are tentative in nature and would not influence the trial court while deciding the case of the applicants on merits. However, in case the applicants misuse the concession of bail in any manner, the trial court shall be at liberty to cancel the same after giving them notice, in accordance with the law.

Both the criminal bail applications stand disposed of. Office to place a signed copy of this order in the captioned connected bail application.

JUDGE

Suleman Khan/PA

