

THE HIGH COURT OF SINDH AT KARACHI

Criminal Bail Application No.3133 of 2025

Applicant : Anwar Ali son of Wali Muhammad through Mr. Ghulam Shabbir Babar, Advocate

Complainant : SSGC through Mr. Malik Sadaqat Khan, Advocate

The State : through Mr. Muhammad Noonari, Deputy Prosecutor General, Sindh

Date of hearing : 02.06.2026

Date of decision : 02.06.2026

ORDER

Jan Ali Junejo, J.- Through this Criminal Bail Application, Applicant– Anwar Ali son of Wali Muhammad, seeks pre-arrest bail in FIR No.53 of 2025, 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 07.11.2025, passed by the Gas Utility Court Karachi, Division, whereby, his pre-arrest bail application was dismissed. The Applicant was granted ad-interim pre-arrest bail by this Court *vide* Order dated: 12.11.2025.

2. Briefly stated, the prosecution case as disclosed in the FIR is that on 26.09.2025 at about 1400 hours, Complainant-Mehmood-ul-Haq, Engineer, SSGC, Karachi, lodged an FIR stating that ASI-Ali Raza along with police party and SSGC technical staff, acting upon spy information, inspected katchi Abadi near Building-E, Anti-Encroachment, PS National Highway, Malir. During inspection a direct illegal gas connection was found taken from underground 16 inch main supply line through to Iron pipes with two molar-T and stolen gas was supplying to 1100 houses of Sectors 21-A, 22-A and 22-B of Shah Latif Town on contribution of Rs.1500/- per month as Rs.20,000/- advance from each households. The illegal connection was disconnected on the spot, and two Molar-T tools used in the operation were seized. On enquiry, the Complainant party came to know that the said connection had been installed by three persons, namely, Khair Muhammad Kalhori, Anwer Siyal and Shah Muhammad Shah, but none of them, were present at the spot; hence, the FIR.

3. Learned Counsel for the Applicant contended that the Applicant is innocent and has falsely been implicated with mala fide intention. He argued that neither the Applicant was arrested at the place of occurrence nor were they seen committing any act of tampering or theft. It was submitted that the name of the Applicant 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 1100 houses of Sectors 21-A, 22-A and 22-B of Shah Latif Town was recorded by the Investigating Officer to connect the Applicant with the alleged offence. He further submitted that the Applicant has joined the proceedings, has misused no concession of bail, and there is no likelihood of absconsion. He lastly prayed that ad-interim pre-arrest bail already granted to the Applicant may be confirmed.

4. Conversely, learned Counsel for SSGC strongly opposed the application and argued that the Applicant is 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 Applicant is 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 Deputy 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 Applicant. He argued that no mala fide on the part of Complainant or police has been established and the Applicant has 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 Applicant was not arrested at the place of incident. No private witness from the locality or from any of the alleged 1100 beneficiary houses of Sectors 21-A, 22-A and 22-B of Shah Latif Town has come forward to

state that gas was being supplied by the Applicant or that any amount was being collected by him. His name appears 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 Applicant misused the concession of bail, attempted to influence witnesses, hampered investigation or absconded. He has appeared before the Court and submitted himself to the jurisdiction of law.

7. The question whether the Applicant was 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 Applicant, namely, Anwar Ali son of Wali Muhammad, arising out of FIR No.53 of 2025, 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

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