

# IN THE HIGH COURT OF SINDH AT KARACHI

Criminal Bail Application No. 1137 of 2026

Applicant : Muhammad Amir S/o. Muhammad Siddiq  
Through Mr. Babar Ali Shah, Advocate

Respondent : The State  
Through Mr. Sharafuddin Kanhar, A. P. G.  
Sindh a/w Mr. Malik Sadaqat Khan, Special  
Prosecutor SSGC.

Date of hearing : 21.05.2026.

Date of order : 21.05.2026.

## ORDER

Jan Ali Junejo, J.— Applicant Muhammad Amir son of Muhammad Siddiq seeks pre-arrest bail in a case bearing Crime No. 10/2023, for offence under section 15 & 24 of Gas Theft Control & Recovery Act, 2016 registered at PS SSGC, Abdul Hassan Ispani Road, Karachi. Prior to this, the applicant had sought the same relief before the learned Judge, Gas Utility Court, Karachi, which was declined vide order dated 26.09.2025. He was admitted to interim pre-arrest bail by this court vide order dated 20.04.2026, now the matter is fixed for confirmation of interim bail or otherwise.

2. The facts relevant to the present criminal bail application are as follows:

“The prosecution case in nutshell in FIR that, with reference to Rapat No. 5. Roznamcha, ASI Amir Saif, along with SSGC officials in a government mobile, returned on 20.02.2023 at 10:45 hours after recording the statement of the complainant, Abdul Rasheed Kalwar, Deputy Manager, SSGC. It was stated that on the same day at about 09:30 hours, he, along with Kamran Iqbal (KPO), technical staff, and the SSGC police party, received secret information regarding gas theft. Acting on this information, they proceeded to Plot situated at Katchi Abadi Sikandar Goth, near Masjid Abu Huraira, Sector 13/A, Survey No.70, Scheme 33, Karachi, Upon inspection, it was found that a sweet-making bakery (karkhana) was illegally obtaining gas from an auxiliary line through a plastic/rubber pipe direct connection. The stolen gas was being utilized in large stoves, including one with 40 nozzles, two with 32 nozzles. These stoves were in operation for preparing sweets and other items. The illegal connection was technically disconnected. However, due to their heavy fixation, some other stoves (40, 32 nozzles) could not be taken into custody. Upon further inquiry, the owners of the business were identified as Muhammad Amir s/o Muhammad Siddiq. Efforts were made to apprehend him, but he could not be traced. Photographs of the site were taken, and an inspection report was prepared. The complainant alleged that the

above-named accused were responsible for the gas theft and requested legal action against them.

3. Learned counsel for the applicant contends that the applicant/accused has been falsely implicated with mala fide intention and ulterior motives. He argued that one PW in his statement, denied identifying the accused. It was further contended that the property described in FIR is already the subject of civil litigation. According to the learned counsel, the applicant/accused has no concern or connection with the said disputed property. He further argued that the alleged place of raid is far from the place where the applicant/accused carries on his business of milk and dairy items, hence he has been falsely roped in the case. It was also urged that a material witness of the complainant has already filed a constitutional petition before the Hon'ble High Court wherein the applicant/accused was exonerated from similar allegations. In support of his submissions, he produced photographs and copies of gas bills along with his statement, and prayed that the applicant/accused be granted confirmation of bail.

4. Conversely, learned Counsel for SSGC vehemently opposed the confirmation of bail to the applicant/accused on the ground that he is directly involved in gas theft. He argued that on date of raid, the officials discovered a factory engaged in the baking of bakery items, wherein various apparatus were being fueled through stolen gas. He submitted that the gas connection at the site was disconnected and an FIR was duly registered against the accused. He further contended that an inspection report was prepared at the spot which clearly reflected that the accused was using a direct gas connection. Photographs capturing the illegal arrangement were also taken and form part of the police file. The learned SPP maintained that the prosecution witnesses have consistently verified these facts in their statements and that the evidence establishes that the accused was operating a factory for commercial purposes through stolen gas. He further submitted that due to this illegal activity, the company and the government sustained a financial loss of Rs.3,645,800/-, and thus the applicant has caused serious damage to public revenue. It was further argued that the accused is also involved in another similar case registered vide FIR No.3/22, which shows that he is a habitual offender. On these grounds, the learned counsel prayed for recall of the earlier interim protective order of arrest and urged dismissal of the bail application.

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 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. The record reflects that the prosecution case primarily rests upon the allegation that during a raid conducted by the officials of SSGC and SSGC Police, an illegal gas connection was detected at a sweet-making factory situated at Sikandar Goth, Scheme-33, Karachi, and the applicant was subsequently nominated as one of the owners of the said business concern. However, at this stage, no material has been brought on record which prima facie establishes the ownership, possession, control, or operational management of the alleged premises by the applicant. Mere nomination of a person in the FIR, without supporting independent material connecting him with the place of occurrence, is not by itself sufficient to deprive him of the concession of bail, particularly when the question of his actual connection with the premises remains a matter requiring deeper probe during trial. It is admitted that the property in question is already the subject matter of pending civil litigation before competent courts and that the applicant has no concern whatsoever with the disputed premises. Although the existence of civil litigation by itself may not absolve an accused from criminal liability, yet such circumstance, coupled with the plea that the applicant is carrying on a separate business at a different location, creates a question regarding his nexus with the alleged place of raid, which requires determination through evidence at the trial.

7. A significant aspect of the matter is that one of the prosecution witness is stated to have denied identifying the applicant in his statement. At this tentative stage, such circumstance cannot be ignored altogether, particularly when the prosecution has yet to produce any unimpeachable material showing that the applicant was present at the spot, was found

operating the alleged factory, or was apprehended in connection with the commission of the alleged offence. The question whether the applicant was actually involved in the commission of the offence or has been nominated on account of some misconception or ulterior motive is a matter which can only be conclusively determined after recording evidence before the trial Court.

8. The question whether the Applicant was actually involved in tampering with the gas line 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.

9. For the foregoing reasons, this Criminal Bail Application is allowed. Consequently, the ad-interim pre-arrest bail already granted to Applicant, namely Muhammad Amir son of Muhammad Siddiq, arising out of FIR No. 10/2023, for offence under section 15 & 24 of Gas Theft Control & Recovery Act, 2016 registered at PS SSGC, Karachi 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.

These are the reasons of short order dated 21.05.2026.

**J U D G E**