

HIGH COURT OF SINDH, CIRCUIT COURT HYDERABAD

Cr. Bail. Application No.S-70 of 2026
[Syed Zulfiqar Ali Shah versus The State]

Applicant by: Syed Shahzad Ali Shah advocate
Complainant by: Mr. M. Ramzan Chandio advocate
State by: Mr. Altaf Hussain Khokhar D.P.G
Date of hearing 15.06.2026
Date of Order 15.06.2026

ORDER

TASNEEM SULTANA, J: Through the instant application, applicant Syed Zulfiqar Ali Shah seeks pre-arrest bail in Crime No.340 of 2025 registered at P.S Bhattai Nagar Hyderabad under Section 15, 17 and 24 of Gas (Theft Control and Recovery) Act 2016. His earlier bail application for the same relief being Crl. Bail Application No.114 of 2026 has been declined by the learned trial Court vide Order dated 15.01.2026.

2. Brief facts of the prosecution case are that on 29.12.2025 at about 1530 hours, complainant Mudassir Iqbal, Engineer CGTO Department, SSGC Hyderabad, along with subordinate staff and technical team, left the office for checking commercial gas connections. At about 1630 hours, they reached Dur Batool Plaza, near Aiza Enclave Plaza, opposite Total Petrol Pump, Gulistan-e-Sajjad, where they allegedly found that gas was being stolen through an illegal direct connection from the 02-inch distribution line of SSGC. Upon inquiry, they came to know that Zulfiqar Ali Shah son of Karam Ali Shah was looking after the said plaza and was allegedly supplying stolen gas to about 15 flats by charging Rs.2,000/- per month from each flat. The complainant party took photographs, removed the pipe, intimated the higher authority and thereafter lodged the FIR.

3. Learned counsel for the applicant contends that the applicant is innocent and has been falsely implicated with mala fide intention and ulterior motives; that the applicant was not arrested at the spot nor was any act of theft directly witnessed against him; that the FIR was lodged with delay of two days without plausible explanation; that the applicant is not the owner of the plaza; and that the Investigating Officer, after investigation, has submitted final report recommending disposal of the case under "C-class", which aspect brings the case within the ambit of further inquiry. He, therefore, prayed for confirmation of interim pre-arrest bail.

4. Conversely, learned special prosecutor for SSGC, opposes the

application on the ground that the applicant is specifically nominated in the FIR and that the alleged illegal connection was found at the premises being looked after by him. However, it was not disputed that the Investigating Officer has submitted final report recommending disposal of the case under “C-class”.

5. Heard. Record perused.

6. It is settled that at bail stage the Court is required to make only a tentative assessment of the material available on record and is not expected to undertake deeper appreciation of evidence. Although the allegation relates to theft of gas under a special statute concerning public utility, the gravity of the allegation or the non-bailable nature of the offence, by itself, is not conclusive. The Court is still required to see whether the material collected during investigation reasonably connects the applicant with the alleged offence.

7. It appears from the record that the SSGC team allegedly found an illegal direct gas connection at Dur Batool Plaza; however, the applicant was neither apprehended at the spot nor any act of theft was directly witnessed against him. His implication is founded upon information allegedly gathered during inquiry at the place of incident, to the effect that he was looking after the plaza and supplying gas to different flats. The Investigating Officer, after investigation and recording statements, has submitted final report recommending disposal of the case under “C-class”. Though such report is subject to consideration by the competent Court and is not conclusive by itself, the manner of implication of the applicant, his absence from the spot at the time of inspection, nature of material collected during investigation and recommendation of the Investigating Officer, when considered together, brings the case within the ambit of further inquiry under Section 497(2), Cr.P.C.

8. In view of the above facts and circumstances, the applicant has made out a case for confirmation of interim pre-arrest bail. Consequently, the instant bail application is allowed and the interim pre-arrest bail already granted to the applicant vide order dated 19.01.2026 is hereby confirmed on the same terms and conditions.

9. The observations made hereinabove are tentative in nature and shall not prejudice either party at trial.

JUDGE