

THE HIGH COURT OF SINDH AT KARACHI

Criminal Bail Application No.1117 of 2026

Applicant : Muhammad Ashraf Qadri son of Muhammad Sharif through Mr. Hafiz Abdul Rahim, Advocate

Complainant : Muhammad Younis son of Ali Muhammad, Deputy Manager, SSGC, Karachi through Mr. Malik Sadaqat Khan, Special Prosecutor, SSGC

The State : through Mr. Muhammad Mohsin, Assistant Prosecutor General, Sindh

Date of hearing : 08.06.2026

Date of decision : 08.06.2026

ORDER

Jan Ali Junejo, J.- Through this Criminal Bail Application, Applicant—Muhammad Ashraf Qadri son of Muhammad Sharif, seeks pre-arrest bail in FIR No.25 of 2026, registered at Police Station SSGC, for offence punishable under Section 15, 24 of the Gas (Theft, Control & Recovery) Act, 2016, calling in question the Order dated 08.04.2026, 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: 15.04.2026.

2. Briefly stated, the prosecution case as disclosed in the FIR is that on 28.03.2026 at about 1800 hours, Complainant-Muhammad Younis, Deputy Manager, SSGC, Karachi, recorded his statement under Section 154 Cr.P.C., alleging therein that he, along with Zia-ul-Hassan and a police party headed by ASI-Ali Raza Qazi, acting on spy information, reached Plot No. 2/215, Gold Market, Liaquatabad, Karachi, at about 1600 hours and inspected Rajput Gold Shop and Factory, situated in a ground-plus-three-storey building. During the inspection, an illegal gas connection from the SSGC auxiliary service line was found through which stolen gas was being supplied to the factory, where jewellery-melting activities were being carried out by means of one furnace (Bhatti), a six-star burner, and a 10 KVA generator installed on the roof of the building. The illegal connection was disconnected at the spot, and various articles, including a rubber pipe, burner, battery, gasket, and other related material, were

sealed, while an inspection report was also prepared at the spot. Upon enquiry, the Complainant party came to know that the said illegal connection had been installed by Applicant/ accused, namely Muhammad Ashraf, who, being a businessman, was not 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 private witness from the locality or from the alleged beneficiary of Rajput Gold Shop and Factory 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 Special Prosecutor, 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 Rajput Gold Shop and Factory 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 Assistant Prosecutor General, Sindh has adopted the arguments advanced by learned Special Prosecutor, 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 the alleged worker of Rajput Gold Shop and Factory has come forward to state that gas was being used by the Applicant. 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 or supplying stolen gas to the alleged beneficiary of Rajput Gold Shop and Factory 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, Muhammad Ashraf Qadri son of Muhammad Sharif, arising out of FIR No.25 of 2026, registered at Police Station SSGC, for offence punishable under Section 15, 24 of the Gas (Theft, Control & Recovery) Act, 2016 *vide* Order dated 15.04.2026 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