

IN THE HIGH COURT OF SINDH AT KARACHI

Criminal Bail Application No.327 of 2026

Applicant: Barkat Ali Lashari son of Khameeso Khan,
through Mr. Altaf Hussain, Advocate

Respondent: The State through Malik Sadaqat Khan a/w
M/s Sheharyar Khan and Javed Iqbal, Advocates

Date of hearing: 17.03.2026.

Date of order: 17.03.2026

ORDER

TASNEEM SULTANA, J.— Through this criminal bail application, the applicant seeks post-arrest bail in Crime No. 77 of 2025 for the offence under Sections 15/24 of the Gas (Theft Control and Recovery) Act, 2016, registered at Police Station SSGC, Karachi; earlier, his post-arrest bail application bearing No. 93 of 2025 was declined by the learned Special Judge (Gas Utility Court), Karachi, vide order dated 10.12.2025; hence, the present application.

2. Brief facts of the prosecution case are that on 02.12.2025 at about 1130 hours, the complainant Muhammad Younas, Deputy Manager SSGC, along with subordinate staff and police party, on spy information, reached at Plot Katchi Abadi, Dhani Parto Goth near Razzaqabad, Malir Karachi, where a factory was found operating; on checking, a direct connection from Sui Gas service auxiliary line through a PVC pipe was detected, through which a bakery furnace was being run; the illegal connection was disconnected and from the spot a PVC pipe, a rubber pipe and a burner were secured and sealed; during inquiry, a person present there disclosed his name as Barkat Ali Lashari, who was arrested at the spot; hence the FIR.

3. Learned counsel for the applicant contended that the applicant is innocent and has been falsely implicated; that he has no concern with the premises or the alleged business; that no independent mashir has been associated despite availability; that the alleged recovery has been shown from the place of occurrence; that no material has been produced to establish ownership or control of the premises; and that the case calls for further inquiry within the meaning of Section 497(2) Cr.P.C.

4. Learned Special Prosecutor for SSGC opposed the bail application; submitted that the applicant was apprehended at the spot; that illegal gas connection along with pipes and burner was secured from the place of occurrence; that the applicant is connected with the alleged activity; and that sufficient material is available to justify denial of bail.

5. Heard. Record perused.

6. At tentative assessment, it appears that the case of the prosecution rests upon the alleged inspection conducted by officials of SSGC coupled with recovery of pipes and burner from the spot; admittedly, all mashirs of arrest and recovery are official witnesses and no independent person from the locality has been associated despite availability, which at this stage requires cautious consideration. The applicant has categorically denied ownership or any connection with the premises and the alleged business, and no material has been shown at this stage to establish that he was owner or in control of the premises in question; in these circumstances, it requires further probe as to whether the applicant was owner or otherwise in control of the premises and responsible for the alleged installation or use of the illegal gas connection, which necessarily calls for recording of evidence during trial.

7. In view of the above, where the determination of the role of the applicant is dependent upon evidence to be recorded at trial, the case falls within the ambit of further inquiry as envisaged under Section 497(2) Cr.P.C.; consequently, the instant bail application is allowed and the applicant is admitted to post-arrest bail subject to furnishing solvent surety in the sum of Rs.200,000/- (Rupees two hundred thousand only) with PR bond in the like amount to the satisfaction of the learned trial Court.

8. The observations made hereinabove are tentative in nature and shall not influence the learned trial Court in any manner.

JUDGE