

IN THE HIGH COURT OF SINDH AT KARACHI

Criminal Bail Applications No.3157 & 3046 of 2025

Applicants : Niaz Wali & Amir Hussain Jatoi,
Through Mr. Manzoor Hussain
Khosro, advocate

Complainant : SSGC, Through Mr. Sadaqat Khan,
advocate

The State : Ms. Rukhsana Mirjat, ADPP

Date of hearing : 29.04.2026

Date of Order : 29.04.2026

ORDER

Jan Ali Junejo, J:-- Through this common order, I intend to decide present Criminal Bail Applications No.3157 of 2025 and 3046 of 2025, arising out of FIR No.29 of 2025 registered at Police Station SSGC Karachi for offences punishable under Sections 14, 15 and 24 of the Gas Theft Control and Recovery Act, 2016, whereby the applicants seek pre-arrest bail. The Applicants were granted ad-interim pre-arrest bail vide orders dated 13.11.2025 and 06.11.2025 respectively.

2. Briefly stated, the prosecution case as disclosed in the FIR is that on 10.07.2025, complainant Hafeezullah Tunio, being Executive of SSGC, along with technical staff, police party and other officials, acting upon spy information, proceeded to Mian Khan Goth near Jamia Ali Murtaza Masjid, Steel Town, Malir, Karachi, where after excavation of the street, it was allegedly found that the underground 16-inch main gas distribution line had been illegally tampered with through molar-T and plastic pipes, whereby unauthorized direct gas connections had been installed. It was further alleged that another

illegal connection was also found nearby, through which gas was being stolen and supplied to approximately 280 houses of the locality. Both connections were disconnected at the spot and certain articles were taken into possession through mashirnama. The informer allegedly disclosed that accused persons namely Idrees Jokhio, Niaz Wali, Mazhar Ali Abbasi and Amir Jatoi were involved in supplying stolen gas to the houses on receipt of advance payments and monthly charges. However, none of the accused persons were found present at the spot. Thereafter, the present FIR came to be lodged.

3. Learned counsel for the applicants contended that the applicants are innocent and have falsely been implicated with mala fide intention. He argued that neither the applicants were arrested at the place of occurrence nor were they seen committing any act of tampering or theft. It was submitted that the names of the applicants 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 280 houses was recorded by the Investigating Officer to connect the applicants with the alleged offence. He further submitted that the applicants have joined the proceedings, have misused no concession of bail, are permanent residents of Karachi, and there is no likelihood of absconsion. He lastly prayed that ad-interim pre-arrest bail already granted to the applicants be confirmed.

4. Conversely, learned counsel for SSGC strongly opposed the applications and argued that the applicants are 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 applicants are 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 applications and recall of interim bail.

5. Learned A.P.G. for the State adopted the arguments advanced by learned counsel for SSGC and additionally submitted that investigation has collected sufficient incriminating material against the applicants. She argued that no mala fide on the part of complainant or police has been established and the applicants have failed to make out a case for extraordinary relief of pre-arrest bail. She therefore prayed for dismissal of both applications.

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 applicants were not arrested at the place of incident. No private witness from the locality or from any of

the alleged 280 beneficiary houses has come forward to state that gas was being supplied by the applicants or that any amount was being collected by them. Their names appear 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 applicants misused the concession of bail, attempted to influence witnesses, hampered investigation or absconded. They have appeared before the Court and submitted themselves to the jurisdiction of law.

7. The question whether the applicants were 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, both Criminal Bail Applications are allowed. Consequently, the ad-interim pre-arrest bail already granted to Applicants namely Niaz Wali son of Momin Khan in Criminal Bail Application No.3157 of 2025 and Amir Hussain Jatoi

son of Qadeer Hussain in Criminal Bail Application No.3046 of 2025, arising out of FIR No.29 of 2025 registered at Police Station SSGC Karachi, are 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 detailed reasons of the Short Order dated: 29-04-2026.

JUDGE