

IN THE HIGH COURT OF SINDH, KARACHI
Criminal Bail Application No. 279 of 2022

Applicant : Sheikh Muhammad Minhaj Uddin s/o S. M. Shuja Uddin, through Mr. Khawaja Shams-ul-Islam, Advocate

Respondent : The State, through Mr. Malik Sadaqat Khan, Special Prosecutor, S.S.G.C. a/w ASI Abid Abbas P.S. S.S.G.C. Karachi.

Date of hearing : 12.04.2022
Date of order : 12.04.2022

ORDER

ZAFAR AHMED RAJPUT, J:- Through instant criminal bail application, applicant/accused Sheikh Muhammad Minhaj Uddin s/o S. M. Shuja Uddin seeks pre-arrest bail in Crime No. 07 of 2022, registered at P.S. S.S.G.C., Karachi under Sections 15, 17 & 24 of the Gas (Theft Control and Recovery) Act, 2016. His earlier application for the same relief bearing No. 427 of 2022 was dismissed by the learned Sessions Judge, Karachi-East, vide order dated 07.02.2022. He was admitted to interim pre-arrest bail by this Court vide order, dated 10.02.2022, now the matter is fixed for confirmation of interim bail or otherwise.

2. Allegation against the applicant is that he willfully tempered with gas service line for the purpose of theft of gas, for which he was booked in the F.I.R.

3. After hearing the learned counsel for the parties and perusing the material available on record, it appears that the applicant runs a printing press in the name and style of "Time Press". On 26.01.2022, Complainant Abdul Hussain Baloch, Engineer SSGC, Karachi found three domestic gas-meters installed in the printing press, which were being used to supply gas to four generators of 1064, 800, 304 and 65-KW and one burner containing 32 barrel of the printing press. On enquiry, it appeared that all aforesaid residential gas-meters were found stolen from the houses located in different part of the city, which were secured by the complainant. During investigation, it came on record that the applicant through

his Manager Administration, namely, Khalid Qadri had applied for the installation of three domestic gas-meters for his staff and paid Rs. 85,000/- to a private contractor, namely, Atiq Alam Siddiqui, who issued him receipts, and installed three domestic gas-meters in the months of December, 2021. On 26.01.2022, complainant raided the premises and thereafter, the applicant came to know that alleged three domestic gas-meters were stolen. The name of Atiq Alam Siddiqui was added as accused and police submitted the challan showing him as absconder. It further appeared that, on 03.02.2021, applicant applied for three domestic gas-connections. Hence, it is yet to be determined at the trial as to whether the applicant knowingly got three stolen gas-meters installed at his premises in connivance with absconding accused contractor Atiq Alam Siddiqui or the latter played fraud with him. It is also yet to be determined as to whether four generators of heavy load can be run through three domestic-meters having capacity of low-scale gas supply due to narrow gauge.

4. For the foregoing facts and reasons, I have found the case against the applicant to be a case calling further inquiry into his guilt as envisaged under sub-section (2) of section 497, Cr.P.C; hence, the interim bail granted to him vide order dated 10.02.2022 is confirmed on the same terms and conditions.

5. Needless to mention here that the observations made hereinabove are tentative in nature and would not influence the trial Court while deciding the case of the applicant on merits. In case the applicant misuses the concession of bail in any manner, the trial Court shall be at liberty to cancel the same after giving him notice, in accordance with law

Cr. Bail Application stands disposed of.

JUDGE