

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

Criminal Bail Application No.S-619 of 2026

DATE	ORDER WITH SIGNATURE OF JUDGE
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07.09.2026

Applicant is present on interim pre-arrest bail.

Mr. Muhammad Zakaria Baloch, Advocate for applicant.

Mr. Muhammad Ramzan Chandio, Law Officer for complainant/SSGC.

Mr. Bashir Ahmed Almani, Assistant Attorney General for Pakistan.

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Through this criminal bail application, the applicant seeks pre-arrest bail in FIR No.154 of 2026, registered under Sections 15, 17 and 24 of the Gas Theft Control & Recovery Act, 2016, at Police Station Bhittai Nagar, Hyderabad, after his bail was declined by the learned Sessions Judge/Gas Utility Court, Hyderabad, vide impugned order dated 18.05.2026.

The allegation against the applicant is that on 23.04.2026, at about 1400 hours, the complainant, namely Mudassir Iqbal, Engineer (CGTO), Sui Southern Gas Company, Regional Office Hyderabad, along with his team, reached at Al-Fazal Boys Hostel near Al-Shahbaz Town, Jamshoro, where they allegedly found that Sui Gas was being stolen from the main gas pipeline through a direct illegal connection. It is alleged that the illegal connection was being used by the applicant, hence the instant FIR was registered against him.

Learned counsel for the applicant contended that there is an unexplained delay of about fourteen days in lodging the FIR, which casts serious doubt upon the prosecution story. He further contended that the applicant was merely a rented consumer of the building in question, where a gas meter had already been installed, and that the connection/meter was subsequently removed by the Sui Southern Gas Company itself on account of outstanding dues. According to learned counsel, the allegation that the applicant had made a direct illegal connection with the main gas pipeline is, therefore, a matter requiring further inquiry. He submitted that the applicant has been falsely implicated and that no incriminating material connecting him with the alleged theft has been brought on record.

Conversely, learned Law Officer appearing for Sui Southern Gas Company strongly opposed the grant of bail and submitted that the applicant was found involved in theft of gas through a direct illegal connection from the main pipeline, which constitutes a serious offence under the provisions of the Gas Theft Control & Recovery Act, 2016. He contended that the inspection

was conducted by the competent officials of the Company and that the applicant cannot take advantage merely of the fact that he was a tenant or that a gas meter had earlier been installed at the premises. According to him, the delay in registration of the FIR has been sufficiently explained by the circumstances attending upon verification of the theft and completion of the requisite departmental formalities.

Learned Assistant Attorney General also opposed the bail application and adopted the submissions advanced on behalf of the complainant Company. He submitted that the allegations against the applicant involve theft of a public utility and that the matter requires proper investigation. He further submitted that the question as to whether the applicant was actually responsible for making or using the alleged illegal connection can only be determined after collection of the relevant evidence and completion of investigation.

I have heard learned counsel for the parties and perused the available record. At the tentative stage of bail, the Court is not required to conduct a deeper appreciation of evidence, but the circumstances appearing on record are required to be examined to determine whether the case calls for further inquiry.

Prima facie, an important circumstance requiring consideration is the delay of fourteen days in registration of the FIR. The complainant's version is that the alleged theft was detected on 23.04.2026; however, the FIR was lodged thereafter. Learned counsel for Sui Southern Gas Company submitted that on the very day of the alleged incident the Company official(s) approached the concerned SHO for registration of the case, but the SHO allegedly refused to register the FIR, whereafter a complaint was made against such refusal. However, despite this assertion, neither the alleged written complaint/application addressed to the SHO nor the subsequent complaint against the SHO has been produced before this Court to substantiate the explanation offered for the delay. If the complainant had, in fact, approached the SHO immediately on the date of occurrence and the SHO had refused to register the case, such fact ought to have been supported by some contemporaneous documentary material, particularly when the subsequent delay in registration of the FIR is sought to be explained on that very basis. In the absence of production of such document, the explanation furnished for the delay remains a matter requiring further inquiry.

Another circumstance which requires consideration is the status of the applicant in relation to the premises. The defence version is that the applicant was a rented consumer and that a gas meter had already been installed at the premises, which was subsequently removed by the Company itself on account

of outstanding dues. Removal of such meter was even not in the knowledge of applicant and removal is admitted by counsel of the Company by submitting that the meter was removed due to the non-payment of bill. The question as to whether the alleged illegal connection was actually installed, operated or utilized by the present applicant, and whether he had any nexus with the alleged theft from the main pipeline, are questions which require determination through evidence before the trial Court.

For the foregoing reasons, the applicant has succeeded in making out a case of further inquiry within the meaning of Section 497(2), Cr.P.C. Consequently, this bail application is allowed. The interim pre-arrest bail earlier granted to the applicant, Shoukat Nizam, vide order dated 19.05.2026, is hereby confirmed on the same terms and conditions.

Needless to observe that the observations made herein are tentative in nature and shall not prejudice either side at the trial. The investigating officer shall conduct the exercise fairly and strictly in accordance with law and shall not treat the observations contained in this order as a direction to reach any particular conclusion.

JUDGE

*Muhammad Danish **