

IN THE HIGH COURT OF SINDH AT KARACHI

Present: Mr. Justice Jawad Akbar Sarwana

Criminal Bail Application No. 1309 of 2025

Applicant : Muhammad Rafiq s/o Silai
through Mr. Himmat Ali, Advocate

Respondent : The State
Through Mr. Zahoor Shah, APG

Complainant : SSGCL through the Special Prosecutor,
SSGCL Mr. Muhammad Ilyas,
Advocate

Date of Hearing : 08.09.2025

Date of Decision : 26.09.2025

ORDER

Jawad Akbar Sarwana, J. Through this post-arrest bail application, the applicant, Muhammad Rafiq s/o Silai, seeks bail in FIR No.18/2025 registered under Section 15/24 of the Gas (Theft Control & Recovery) Act, 2016 at P.S. SSGC, Karachi. The bail application of the present applicant stands dismissed by the Court of Special Judge Gas Utility Court Karachi vide Order dated 09.05.2025 in B.A. No.28/2025.

2. I have heard the applicant/accused Counsel, the Special Prosecutor, SSGC, as well as Additional Prosecutor General and have perused the record, and my observations are as under:-

3. From the perusal of the FIR, the case of the prosecution is that on 21.04.2025, by way of Statement u/s 154 Cr.P.C. of Abdul Sattar Shaikh, the concerned Inspector, based on spy information, reached the Jhonpra Hotel situated at Plot Pakistan Hotel Al-Hussaini Bar B.Q. & Pakwan Restaurant Rent Mutasil Quetta Aryana Hotel, Near Rind Chowk, Abdullah Shah Ghazi Goth, Scheme No.33, Karachi, and found a pipe directly connected to the underground line of SSGC, which was leading

to a chola of 4" stars, a chola of 6" stars, a chola of 9" stars and cholaas of 18 and 24 nozzles. The connecting load was found to be 300, the operating load was 125, assuming a working time of eight (8) hours. One of the persons standing at the hotel was the accused/applicant, Muhammad Rafiz, son of Silai, who was taken into custody and continues to remain in custody in jail.

4. The Counsel for the applicant/accused contends that the applicant/accused is innocent and has falsely been implicated in this case by the complainant company due to malice and ulterior motive; there is no private independent eyewitness, even though the incident took place in a populated area; and the applicant/accused was not the owner of the entire facility. The applicant/accused Counsel submitted that the above points are subject to the final outcome of the trial, and call for further investigation/inquiry.

5. The learned Special Prosecutor has supported the order passed by the lower forum and vehemently opposed the application for bail on the ground that the accused is/was involved in the offence of theft of gas, which is a pilferage of public property. He contended that the applicant/accused was the owner of the property and was found using a rubber pipeline through the SSGC service/auxiliary line, and the facility officially had neither a gas meter nor any official gas connection. The entire operation was photographed and documented, and there id/was sufficient evidence to implicate the applicant/accused in the theft of gas.

6. It is true that the prosecution has a compelling case against the applicant/accused. The facilities were found using gas stoves, which require gas, yet without any official gas connection. The facility did not have a gas meter. There was no gas bill. Yet, there is one aspect that requires further inquiry, and this is that, according to the FIR, the gas connection was supplying not just

the “Johnpri Hotel”, but also other establishments at the site. According to the FIR, these establishments were (i) the “Jhonpri Hotel”, (ii) “Pakistan Hotel”, (iii) “Al Hussaini BBQ”, and (iv) “Pakwan Centre”. The applicant/accused has yet to be established as the owner of all four establishments. He has, in fact, denied ownership. The prosecution has submitted that in the Statement given to the Police, the applicant/accused has accepted the ownership of the four differently named establishments. They contended that the four (4) names were on a single Panaflex sign, hence they were in fact the same establishment, with all four properties being owned and operated by the applicant/accused alone. Therefore, no further inquiry/investigation is warranted. I have reviewed the photos in the police file, which appear to depict four different establishments, and make this case involving the present accused a subject of further inquiry.

7. In view of the foregoing, even though the establishment was found using an illegal gas connection from the main SSGC line, without any official gas connection, and the applicant/accused has a lot to answer, yet from the tentative assessment of the record, the learned Counsel for the applicant has made out a case of further inquiry within the meaning of Section 497(2), and I find no extraordinary or exceptional grounds to deny the applicant bail in FIR No.18/2025 dated 21.04.2025 registered as P.S. SSGC, Karachi. The bail granted to the accused applicant, Muhammad Rafiq s/o Silai, is subject to the surety amount fixed at Rupees Ten Lac Only (PKRs.10,00,000) and a P.R. bond in the like amount to the satisfaction of the trial Court. Thus, this post-arrest bail application is allowed in the above terms.

8. The applicant/accused is directed to cooperate fully with the I.O. of the case. If the I.O. makes a complaint of noncooperation by the applicant/accused, then the learned trial

court will be empowered to cancel the concession of bail granted herein by itself with no further reference to this Court. Even otherwise, if the applicant/accused misuses the concession of bail during trial, then the trial Court will be competent to cancel his bail without making any reference to this Court.

9. Suffice it to say that the observations made hereinabove are tentative and only for this bail application. Nothing herein shall affect the determination of the facts at the trial or influence the trial Court's decision of the case on the merits.

10. Bail is allowed in the above terms.

J U D G E