

*Order Sheet*  
IN THE HIGH COURT OF SINDH AT KARACHI  
Cr. Bail Application No. 382 of 2019

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Date	Order with Signature of Judge
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FOR HEARING OF BAIL APPLICATION.

Date of short order :        08.07.2019.

Applicant Ghulam Murtuza is present on interim pre-arrest bail  
alongwith his counsel Mr. Qamar Riaz Virk, advocate.  
Malik Sadaqat Khan, Special Prosecutor SSGC.

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O R D E R

FAHIM AHMED SIDDIQUI, J:-        The ad-interim pre-arrest bail was granted to the applicant vide order dated 15-03-2019 in a case registered against him by lodging FIR No. 08/2019 at PS SSGC, Karachi under Sections 15, 17 & 24 of the Gas Theft Control and Recovery Act, 2016 and the same is fixed before me on 08-07-2019 for confirmation or otherwise. Prior to approaching before this Court, a similar plea raised by the applicant before the lower forum remained fruitless through order dated 15-03-2019, which is impugned here.

2.        The learned advocate for the applicant and the learned Prosecutor argued the matter at length. After considering their valued submissions and consulting the available record, I have observed as under:

- (a)        The allegations levelled by the complainant against the applicant has illegally getting natural gas through unauthorized connection from auxiliary gas supply line. By this design, the accused was using the stolen gas in his milk shop with the name and style of Mashaallah Qastori.
- (b)        As per FIR, after raid, the rubber connecting pipes and stoves were recovered and subsequently, it was revealed that the applicant was the owner of the shop.
- (c)        After registration of the case, the applicant succeeded in getting interim relief but nothing on the record to establish that he has joined the investigation.

- (d) The prosecution collected the evidence that the applicant was running the milk shop, as such he is fully involved as an active culprit.
- (e) By stealing gas from auxiliary pipeline, the applicant has actually not only caused loss to the public exchequer but also exposed the people of neighbourhood on risk.
- (f) The act of stealing gas and using the stolen gas for such commercial activity is one of the main causes of energy crisis in the country.
- (g) In the instant case, no malice or ulterior motive could be pointed out by the learned counsel for the applicant.

3. In view of the above observations, I am of considered opinion that no case of confirmation of bail has been made out for the applicant hence the instant bail application is declined and the interim bail order dated 19-03-2019 is recalled.

4. These are the reasons for my short order dated 08-07-2019 and I would like to make it clear that the above observations are purely tentative in nature, and the same is only meant for the purpose of disposal of instant pre-arrest bail application and would have no bearing on either party's case during trial.

Dated: \_\_\_\_\_

J U D G E