

**ORDER SHEET**  
**IN THE HIGH COURT OF SINDH AT KARACHI**

Crl. Bail Application No. 1596 of 2020

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Date order with signature of Judge

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For hearing of bail application.

**24.11.2020**

Mr. Muhammad Tariq, Advocate for applicant.

Malik Sadaqat Ali, Special Prosecutor SSGC.

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Omar Sial, J: Ubaid Alam has sought post arrest bail in crime number 41 of 2020 registered under sections 15, 17 and 24 of the Gas (Theft, Control and Recovery) Act, 2016 at the SSGC police station. Earlier, his application seeking bail was dismissed by the learned Sessions Judge, Malir on 29-9-2020.

2. The background to this case is that Ramesh Kumar, a Deputy Manager at SSGC lodged the aforementioned F.I.R. on 8-9-2020. He recorded therein that spy information was received that a hotel by the name of Al-Makkah Shinwari was stealing gas. He along with a team of SSGC went to the said hotel and discovered that an SSGC service line had been illegally tapped into and the gas being stolen was being used to fire up 1 tandoor and 7 stoves of different capacities. The applicant was present on the spot and was the manager of the said hotel. The names of the owners of the hotel were also disclosed by him. Loss to SSGC in the amount of Rs. 3,248,400 was calculated. The owners of the said hotel, though identified, appear to be on the run at the moment.

3. I have heard the learned counsel for the applicant as well as the learned special prosecutor for SSGC. My observations are as follows.

4. The learned counsel for the applicant has not denied the incident and the discovery of the theft but has only raised the ground that the applicant was an employee and not an owner of the hotel thus has nothing to do with the theft.

5. Section 15 of the Gas (Theft, Control and Recovery) Act, 2016 makes tampering with the auxiliary line of gas supply an offence punishable with imprisonment ranging from 5 to 10 years. The section applies to the person who

tampered with the line and a person who abets him with it liable for the offence. While it will be conclusively determined at trial as to whether the applicant tampered or abetted the offence, on a tentative assessment, the fact that he was admittedly present at the hotel and was the manager of the hotel where admittedly stolen gas was being used, connects him with the offence. SSGC had no malafide to book him in this case nor has the same been pleaded by the learned counsel.

6. I am cognizant that the minimum punishment prescribed for the offence may make it fall within the non-prohibitory clause of section 497 Cr.P.C. The stolen gas in this case however was prima facie being used to fire up a commercial establishment and I am therefore of the view that stealing natural resources of the country in such a manner is an exceptional situation in which bail may be refused even if it falls within the non-prohibitory clause.

7. In view of the above, the bail application of the applicant is dismissed.

JUDGE