

IN THE HIGH COURT OF SINDH AT KARACHI

Criminal Bail Application No.2216 of 2026

Applicant : Muhammad Irshad
son of Shafiquddin
Through Mr. Ghulam Parwar
advocate

The State : Through: Ms. Najma Latif Golo,
A. P. G. Sindh

Date of hearing : 30.09.2026.

Date of Order : 30.09.2026.

ORDER

Jan Ali Junejo, J:-- Through this order, I intend to decide the instant post-arrest bail application filed under Section 497 Cr.P.C. by the applicant Muhammad Irshad son of Shafiquddin who seeks his release on bail in connection with FIR No.51 of 2026 registered at Police Station Soldier Bazar, Karachi for the offences punishable under Sections 322/288/285/427/337-A(i) PPC. The applicant has approached this Court being aggrieved by the order dated 02.06.2026 passed by the learned Additional Sessions Judge-IV, Karachi East whereby his bail application was declined.

2. Briefly stated, the prosecution case as reflected in the FIR is that on 19.02.2026 information was received at Police Station Soldier Bazar, Karachi, regarding the collapse of Building No.34, situated at Gali No.05, Choori Maidan, Gul-e-Raana Colony, Soldier Bazar No.1, Karachi, whereupon Sub-Inspector Khalid Bangash reached the spot and found a portion of the building, measuring about 40 square yards, collapsed. It was alleged that the building, owned by the applicant Muhammad Irshad son of Shafiq Uddin, comprised ground plus three floors and had been constructed on TR girders and tiles, while an allegedly illegal gas connection through defective plastic pipes had also been installed therein. According to the prosecution, at about 03:30 a.m., Zaib-un-Nisa, wife of Shahid, while preparing Sehri on the first floor, lit a stove, whereupon leaked gas accumulated in the room and caught fire upon the striking of a matchstick, resulting in an explosion and collapse of the upper portion of

the building. During the rescue operation, fifteen persons i.e. (1) Nargis daughter of Qamar, aged 2 years; (2) Muhammad Riaz son of Muhammad Usman, aged 60 years (3) Nazia daughter of Wakio, aged 10 years (4) Benazir daughter of Wakie, aged 15 years) (5) Qamar Ali son of Baloch Khan, aged 27 years, (6) Yasmeen, wife of Qamar Ali, aged 21 years; (7) Sonu son of Nadeem, aged 6 years, (8) Waseem son of Nadeem, aged 5 years, (9) Nadeem son of Uras, aged 28 years, (10) Sajjad son of Shahid, (11) Abbas son of Shahid, aged 18 years; (12) Zaib-un Nisa, wife of Shahid, aged 35 years, (13) Anisha daughter of Anwar Ali, aged 23 years, (14) Afshaan daughter of Anwar Ali, aged 19 years, and (15) Aqsar daughter of Anwar Ali, aged 16 years were recovered dead from beneath the debris, whereas fifteen others i.e. (1) Muhammad Shahid son of Ghulam Rasool, aged 60 years, (2) Wakio son of Chota, aged 50 years; (3) Bilal son of Wakio, aged 14 years, (4) Pooro son of Wakio, aged 8 years (5) Adnan son of Wakio, aged 6 years, (6) Tasleem son of Wakio, aged 25 years: (7) Zain son of Kamran, aged 6 years (8) Kamran son of Nazar Muhammad, aged 40 years; (9) Kausar daughter of Anwar Ali, aged 13 years, (10) Aamna wife of Wakio, aged 55 years, (11) Junaid son of Muhammad Anwar, aged 18 years, (12) Waqas son of Mustaqeem, aged 82 years, (13) Rehan son of Wakie, aged 8 years, (14) Shayan son of Kamran, aged 15 years; and (15) Subhan son of Wakio, aged 13 years sustained injuries and were shifted to hospital. The Bomb Disposal Unit, after inspection of the site, reportedly attributed the explosion to leakage of gas from the defective pipeline. The prosecution alleged that the applicant had illegally constructed the building around 2007-2008 and installed the defective gas line, and that his negligence in this regard resulted in the deaths of fifteen persons and injuries to fifteen others, thereby attracting Sections 322, 288, 285, 427 and 337-A(i), PPC. Consequently, FIR No.51 of 2026 was registered against the applicant at Police Station Soldier Bazar, Karachi, and investigation was entrusted to the CIC In-charge, Ferozabad Division, hence this FIR.

3. Learned counsel for the applicant contended that the impugned orders dated 11.03.2026 and 02.06.2026 passed by the learned Courts below are contrary to law and facts, as the applications for post-arrest bail were dismissed without proper appreciation of the material available on record. He argued that the learned Courts below were swayed by the tragic nature of the occurrence and the number of casualties, whereas the gravity of the allegation alone cannot constitute a valid ground for withholding the concession of bail in the absence of reasonable grounds

connecting the applicant with the commission of the alleged offences. He further contended that the burden was unlawfully shifted upon the applicant to produce an approved building plan, whereas it was incumbent upon the prosecution to establish through prima facie documentary and technical evidence that the building was illegally constructed, structurally defective and that such alleged illegality had a direct causal nexus with the occurrence. He submitted that no report of any qualified structural or civil engineer, SBCA or any other competent authority had been produced to establish that the building was unsafe or structurally defective, nor was there any documentary evidence showing that the building had ever been declared dangerous or that any notice, inspection, demolition proceedings or other action had been initiated against the applicant by the competent authority since its alleged construction in 2007-2008. He further argued that the building had remained occupied by several families for many years without any reported incident or complaint regarding its structural condition, which prima facie creates doubt regarding the allegation that it was inherently dangerous. Learned counsel further contended that the prosecution case is based upon presumptions and subsequent inferences, without disclosing any direct or independent material connecting the applicant with the alleged offences. According to the prosecution's own case, the immediate cause of the occurrence was gas leakage followed by ignition when one of the occupants lit a matchstick while preparing Sehri; however, no report of Sui Southern Gas Company Limited, Fire Brigade or any independent technical authority has been produced to establish that the alleged gas pipeline was installed by the applicant or that the explosion occurred due to any act or omission attributable to him. He submitted that even the alleged Bomb Disposal Unit report does not establish the applicant's criminal liability, whereas the precise cause of the explosion and subsequent collapse requires scientific and expert determination during trial. He further argued that no material had been collected during investigation to establish that the applicant himself installed the alleged gas pipeline, supervised its installation, carried out any structural alteration, had prior knowledge of any leakage or defect, or ignored any complaint regarding the safety of the building. He also submitted that the applicant had acquired the property in an already constructed condition from its previous owner and was neither its original builder nor the

person who had designed or executed the construction, while different portions of the premises were occupied by tenants. Learned counsel emphasized that mere ownership of a building or an alleged violation of municipal regulations does not, by itself, constitute criminal negligence punishable under Sections 285, 288 and 322 PPC, unless a rash or negligent act or omission directly attributable to the accused and having a proximate causal connection with the occurrence is established. He contended that the prosecution has failed to establish the essential element of *causa causans*, and that the question of criminal negligence, particularly in the absence of conclusive technical evidence, squarely falls within the ambit of further inquiry as contemplated under Section 497(2), Cr.P.C. He further argued that the learned Courts below failed to appreciate this legal aspect and merely observed that the defence pleas required deeper appreciation of evidence, whereas such disputed questions themselves call for further inquiry. He also assailed the subsequent order dated 02.06.2026, contending that the learned Court dismissed the second bail application without independently examining the subsequent developments in the investigation or determining whether any additional material had strengthened the prosecution case against the applicant. Lastly, he submitted that the applicant has been behind bars since his arrest, the investigation has been completed and challan submitted before the learned trial Court; therefore, his further incarceration would serve no useful purpose. He maintained that the applicant is a permanent resident, has no previous criminal record, is neither likely to abscond nor tamper with the prosecution evidence or influence witnesses, and undertakes to attend the trial regularly and furnish solvent surety to the satisfaction of this Court. He, therefore, prayed that the impugned orders be set aside and the applicant be admitted to post-arrest bail, as the case, at the very least, calls for further inquiry within the meaning of Section 497(2), Cr.P.C.

4. Conversely, learned APG for the State opposed the bail application and contended that the applicant, being the owner of the subject building, is specifically nominated in the FIR, wherein he is alleged to have constructed an illegal ground-plus-three-storey structure and installed a defective gas connection, resulting in gas leakage, explosion and collapse of the building, causing the death of fifteen persons and injuries to fifteen others. She submitted that the prosecution material, including the Bomb

Disposal Unit report and statements of injured witnesses, prima facie connects the applicant with the occurrence. According to learned APG, reasonable grounds exist to believe that the applicant is connected with the alleged offences and the case does not fall within the ambit of further inquiry under Section 497(2), Cr.P.C. She, therefore, prayed for dismissal of the bail application.

5. I have heard learned counsel for the applicant and learned APG for the State and have carefully examined the material available on record.

6. The principal contention of learned counsel for the applicant is that the occurrence resulted from accidental gas leakage and that no rash or negligent act is directly attributable to the applicant. It is further contended that the building was constructed long ago, was never declared dangerous by any competent authority, and that the applicant was not its original builder. These are disputed questions of fact requiring evidence and cannot be conclusively determined at the bail stage. At this stage, the Court is only required to tentatively assess the prosecution material to determine whether reasonable grounds exist connecting the applicant with the alleged offences.

7. The FIR specifically attributes the subject building to the applicant and alleges that it comprised ground plus three storeys, constructed on TR girders and tiles, with an allegedly illegal gas connection through defective plastic pipes. The prosecution case is prima facie supported by the BDU report, which reportedly attributed the explosion to leakage of gas from the defective pipeline, followed by ignition and collapse of the upper portion of the building. The occurrence resulted in fifteen deaths and injuries to fifteen persons. Thus, the prosecution case is not founded merely upon the gravity of the occurrence, but upon specific allegations connecting the condition of the building and gas installation with the incident.

8. The contention regarding absence of reports from SBCA, SSGC, Fire Brigade or structural experts does not, at this stage, by itself render the case one of further inquiry. The structural condition of the building, nature of the gas connection, responsibility for its installation or maintenance, and the proximate cause of the occurrence are matters to be

determined upon evidence. Similarly, the applicant's plea that he acquired the property in an already constructed condition and was not its original builder is a defence requiring proof and cannot, at this stage, displace the specific prosecution allegations.

9. The prosecution has alleged a sequence of events comprising the defective gas installation, leakage, accumulation of gas, ignition, explosion and consequent collapse, resulting in deaths and injuries. The BDU report, as referred to by the prosecution, lends prima facie support to this sequence. Whether the applicant's alleged acts or omissions ultimately constitute criminal negligence and satisfy the ingredients of the offences charged is a matter for determination by the learned trial Court after recording evidence. At present, the material cannot be said to be so deficient as to bring the case within the ambit of further inquiry.

10. As regards *causa causans* and criminal negligence, these questions involve appreciation of technical and ocular evidence and cannot be conclusively resolved in favour of the applicant at the bail stage. The prosecution has placed before the Court a specific chain of circumstances linking the alleged condition of the premises and gas installation with the occurrence. Such disputed questions are to be determined by the learned trial Court after evidence is recorded.

11. I am mindful that the gravity of an offence, by itself, cannot substitute the statutory requirement of reasonable grounds under Section 497 Cr.P.C. However, in the present case, the prosecution has brought specific allegations and prima facie supporting material connecting the applicant with the occurrence.

12. The applicant's lack of previous criminal antecedents, permanent residence, completion of investigation and submission of challan are relevant considerations; however, these circumstances do not, by themselves, entitle him to bail where the material on record otherwise provides reasonable grounds connecting him with the alleged offences.

13. For the foregoing reasons, I am of the tentative view that the case of the applicant does not fall within the ambit of further inquiry

contemplated under Section 497(2), Cr.P.C. The material available on record, particularly the allegations concerning the condition of the building and defective gas installation and the BDU report regarding the cause of the explosion, prima facie connects the applicant with the occurrence. The remaining questions raised by the defence are matters of evidence and trial. Consequently, the applicant has failed to make out a case for grant of post-arrest bail.

14. Accordingly, the instant Cr. Bail Application is **dismissed**. The observations made herein are tentative in nature and shall not prejudice the merits of the case at trial.

JUDGE