

IN THE HIGH COURT OF SINDH AT KARACHI

Criminal Bail Application No.821 of 2026

Applicants : Ramzan and Shehzad Through Mr. Mansoor Ali Thebo, advocate

The State : The State through Sharaf-u-Din Kanhar, Assistant Prosecutor General, Sindh along with Ms. Rukhsana Mirjat, ADPP

Date of hearing : 16.04.2026

Date of Order : 16.04.2026

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. on behalf of applicants/accused namely Ramzan son of Aziz-ur-Rehman and Shahzad son of Firdos in connection with FIR No.11 of 2026, registered under Sections 430, 427, 34 P.P.C. read with Sections 39(2) & 39(3) of Schedule-II of the Karachi Water & Sewerage Corporation Act, 2023 at Police Station KW&SC Karachi. The Applicants filed Bail Application No.05 of 2026 before the Karachi Water and Sewerage Corporation Tribunal, which was dismissed vide Order dated: 06-03-2026.

2. Briefly stated, the prosecution case as reflected from the contents of FIR is that on 24.02.2026 the complainant namely Nisar Ahmed Siddiqui, Assistant Executive Engineer of KW&SC, allegedly received information regarding establishment of an illegal hydrant near Ibrahim Mosque, Kunwari Colony, Manghopir Road, Karachi, where illegal connections had been taken from the Corporation's 66-inch main water supply line for theft and sale of water through

tankers. It is alleged that during raid conducted by the KW&SC Enforcement Cell along with Rangers and Police personnel, several water tankers were found being filled through illegal connections. Certain drivers, cleaners and clerks present at the spot were apprehended, including present applicants namely Ramzan and Shahzad, who were allegedly working as clerks at the hydrant. Various machinery, pumps, pipes, generator and water tankers were allegedly recovered from the place of incident. Consequently, the instant FIR was lodged for offences under Sections 430, 427, 34 P.P.C. read with Sections 39(2) & 39(3) of the Karachi Water & Sewerage Corporation Act, 2023.

3. Learned counsel for the applicants contended that the applicants are innocent and have falsely been implicated in the present case merely on suspicion. He argued that no specific overt act has been attributed to the applicants with regard to damaging the main water supply line or establishing the alleged illegal hydrant. He further submitted that no incriminating article or recovery has been effected from personal possession of the applicants and their names surfaced only on the basis of joint and vague allegations. Learned counsel further argued that the FIR was lodged after completion of the alleged operation, which creates serious doubt regarding consultation and deliberation. He submitted that the offences under Sections 427 and 430 P.P.C. are bailable in nature, whereas the offences shown at S.No.2 of Schedule-II to Section 39 of the Karachi Water & Sewerage Corporation Act, 2023 carry punishment upto three years with fine

upto Rs.3 million and the offences shown at S.No.3 of Schedule-II to Section 39 of the said Act carry punishment upto five years with fine upto Rs.5 million, therefore none of the alleged offences fall within the prohibitory clause of Section 497 Cr.P.C. He lastly contended that investigation is almost complete, further detention of applicants is no more required and prayed for grant of post-arrest bail.

4. Conversely, learned Assistant Prosecutor General opposed the grant of bail and submitted that the applicants were apprehended during raid conducted at the spot where illegal hydrant was operational. He argued that huge quantity of machinery, pumps, pipes and water tankers were recovered from the place of incident, which prima facie establishes involvement of the accused persons in illegal extraction and theft of water. He further submitted that such illegal acts cause huge loss to the government exchequer and adversely affect supply of water to the public at large. Learned APG further contended that the applicants are specifically nominated in the FIR and their complicity is supported by mashirnama of arrest and recovery. He lastly prayed for dismissal of the bail application.

5. I have heard learned counsel for the parties and have carefully examined the material available on record. Tentative assessment of the record reflects that the role attributed to the present applicants is that they were allegedly working as clerks at the hydrant. No specific allegation has been assigned to them regarding causing damage to the main water supply line or installation of illegal connection. Admittedly, no recovery has been effected from the personal possession of the present applicants. The entire machinery,

generators, pumps, pipes and water tankers were allegedly recovered from the place of incident and not from the custody of the applicants.

6. It is also pertinent to observe that the allegations against the present applicants are general and omnibus in nature. The prosecution case itself reflects presence of several persons at the place of occurrence including alleged owners, operators, drivers and cleaners, however no material has been brought on record at this stage to specifically establish the active participation of the present applicants in commission of the alleged offence. Their exact role shall require deeper appreciation of evidence, which can only be undertaken at the time of trial.

7. Further, the offences under Sections 427 and 430 P.P.C. are admittedly bailable in nature. So far as the offences under the Karachi Water & Sewerage Corporation Act, 2023 are concerned, the offences shown at S.No.2 of Schedule-II to Section 39 of the Act carry punishment upto three years with fine upto three million rupees, whereas the offences shown at S.No.3 of Schedule-II to Section 39 of the Act carry punishment extending upto five years with fine upto five million rupees. Both the said offences admittedly do not fall within the prohibitory clause of Section 497 Cr.P.C. It is a settled principle of law that in determining the question of bail, lesser sentence provided for the offence is to be considered. Therefore, keeping in view the punishment prescribed for the alleged offences, the case of the applicants calls for further inquiry within the meaning of Section 497(2) Cr.P.C.

8. Moreover, the FIR was admittedly lodged after completion of the alleged operation which continued for considerable duration and such aspect also requires deeper examination during trial. The applicants are behind bars, investigation appears to be substantially completed and no useful purpose would be served by keeping them incarcerated for an indefinite period before conclusion of trial.

9. In the circumstances of the case, and without undertaking a deeper appreciation of the prosecution evidence at this stage, the applicants, on the basis of a tentative assessment of the material available on record, have succeeded in making out a case for the grant of post-arrest bail.

10. For the reasons delineated hereinabove, the instant Criminal Bail Application is allowed and applicants namely Ramzan son of Aziz-ur-Rehman and Shahzad son of Firdos are admitted to post-arrest bail subject to furnishing solvent surety in the sum of Rs.50,000/- (Rupees Fifty Thousand only) each and P.R. bond in the like amount to the satisfaction of the learned trial Court. The observations made herein are purely tentative in nature and confined solely to the disposal of the instant bail application; therefore, the same shall neither prejudice the case of either party nor influence the learned trial Court while recording evidence and deciding the matter strictly on its own merits. These are the detailed reasons for the Short Order dated 16-04-2026.

JUDGE