

IN THE HIGH COURT OF SINDH AT KARACHI

Criminal Bail Application No.786 of 2026

Applicants : 1.Zahid Shehzad son of Mir Alam,
2. Muhammad Tahir son of
Muhammad Afzal, 3. Atif son of
Asif, 4. Zahid son of Khan Zaman, 5.
Alam Khan son of Gul Muhammad,
6. Muhammad Jamshed son of
Ghulam Haider, 7. Ahmed son of
Shehzad and 8. Usman son of Riyaz
Through Mr. Bashir Ahmed Shar,
advocate

The State : The State through Mr. Mumtaz Ali
Shah, A.P.G. alongwith SI
Naimatullah of P.S. KW&SC

Date of hearing : 19.03.2026

Date of Order : 19.03.2026

ORDER

Jan Ali Junejo, J:- Through this order, I propose to dispose of the instant post-arrest bail application filed under Section 497 Cr.P.C. on behalf of the applicants/accused namely Zahid Shehzad son of Mir Alam, Muhammad Tahir son of Muhammad Afzal, Atif son of Asif, Zahid son of Khan Zaman, Alam Khan son of Gul Muhammad, Muhammad Jamshed son of Ghulam Haider, Ahmed son of Shehzad and Usman son of Riyaz in connection with FIR No.11/2026 registered under Sections 430, 427, 34 PPC read with Sections 39(2) & 39(3) Schedule-II Karachi Water & Sewerage Corporation Act, 2023 at P.S. 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. Brief facts of the prosecution case, as disclosed in the FIR, are that on 24.02.2026 the complainant namely Nisar Ahmed Siddiqui, Assistant Executive Engineer (AEE) of KW&SC, allegedly received information regarding operation of an illegal hydrant near Ibrahim Masjid, Kunwari Colony, Manghopir Road, Karachi, from where water was allegedly being stolen through unauthorized connections taken from the Corporation's 66-inch main water supply line and thereafter supplied through water tankers. It is alleged that during raid conducted by the officials of KW&SC in presence of Rangers and Police personnel, several water tankers were found parked at the place of occurrence and the present applicants being drivers and cleaners of the tankers were apprehended from the spot. It is further alleged that illegal underground connections, storage tanks, pumps, generator, pipes and other machinery used for extraction and storage of stolen water were recovered and seized from the place of occurrence, whereafter the present FIR was lodged against the applicants and other absconding accused persons.

3. Learned counsel for the applicants contended that the applicants are innocent and have falsely been implicated in the present case with mala fide intentions. He argued that according to the contents of the FIR itself, the applicants were merely drivers and cleaners and no specific allegation regarding ownership, installation or operation of the alleged illegal hydrant has been attributed to them. He further submitted that no incriminating article has been recovered from the personal possession of the applicants and all alleged recoveries were effected from the place of occurrence.

Learned counsel further argued that no independent witness from locality was associated despite the alleged raid having been conducted in a populated area. He also submitted that the offences alleged against the applicants do not fall within the prohibitory clause of Section 497 Cr.P.C., the investigation has substantially been completed and the case of the applicants falls within the ambit of further inquiry. He lastly prayed for grant of post-arrest bail to the applicants.

4. Conversely, learned A.P.G. for the State opposed the grant of bail and submitted that the applicants were apprehended from the spot during raid while involved in illegal extraction and theft of water through unauthorized hydrant connections. He argued that the applicants are specifically nominated in the FIR and sufficient incriminating material is available against them. He further submitted that the alleged offence has caused huge financial loss to the public exchequer and adversely affected supply of water to general public. Learned A.P.G. lastly prayed for dismissal of the instant bail application.

5. I have heard learned counsel for the parties at considerable length and have carefully examined the material available on record. Tentatively, it appears that the role assigned to the present applicants in the FIR is that of drivers and cleaners of water tankers allegedly present at the place of occurrence. Admittedly, no specific allegation has been levelled against the applicants regarding ownership, establishment or installation of the alleged illegal hydrant. The FIR itself reflects that certain other accused persons

have been nominated as owners and operators of the alleged hydrant. It is also an admitted position that no recovery of any incriminating article or instrument has been effected from the personal possession of the applicants. The alleged machinery, pumps, generator, pipes and cables were admittedly recovered from the place of occurrence. Whether the applicants had any active nexus with operation of the alleged illegal hydrant or were merely present at the spot in their professional capacity as drivers and cleaners are questions which require deeper appreciation of evidence and can only be determined after recording evidence during trial.

6. It is also significant to note that the offences shown at Serial No.2 of Schedule-II to Section 39 of the Karachi Water and Sewerage Corporation Act, 2023 carry punishment extending up to three years with fine up to Rs.3,000,000/-, whereas the offences shown at Serial No.3 of Schedule-II to Section 39 of the said Act carry punishment extending up to five years with fine up to Rs.5,000,000/-. Therefore, both the aforesaid offences admittedly fall outside the prohibitory clause of Section 497 Cr.P.C. Moreover, offences under Sections 427 and 430 PPC are bailable offences. It is by now a settled principle of law that in offences not falling within the prohibitory clause, grant of bail is a rule and refusal is an exception, particularly when the case calls for further inquiry.

7. It is further pertinent to observe that the prosecution case primarily rests upon statements of official witnesses and no independent witness from locality has been associated with the

alleged recovery and arrest proceedings despite the place of occurrence being situated in a populated locality. The evidentiary value of such material shall be determined by the learned trial Court after recording evidence. At this stage, the same calls for further inquiry within the contemplation of Section 497(2) Cr.P.C.

8. Furthermore, the investigation appears to have substantially been completed and the applicants are no more required for further custodial interrogation. The case property has already been secured by the prosecution. The applicants are stated to be permanent residents of Karachi and no material has been brought on record showing likelihood of their absconion or tampering with prosecution evidence.

9. For the foregoing reasons, and without delving deeper into appreciation of the prosecution evidence at this stage, the instant Criminal Bail Application is allowed. Consequently, the applicants, namely, (1) Zahid Shehzad son of Mir Alam, (2) Muhammad Tahir son of Muhammad Afzal, (3) Atif son of Asif, (4) Zahid son of Khan Zaman, (5) Alam Khan son of Gul Muhammad, (6) Muhammad Jamshed son of Ghulam Haider, (7) Ahmed son of Shehzad, and (8) Usman son of Riyaz, are admitted to post-arrest bail in FIR No.11/2026 registered under Sections 430, 427, 34, P.P.C., read with Sections 39(2) and 39(3) of Schedule-II of the Karachi Water & Sewerage Corporation Act, 2023, at P.S. KW&SC Karachi, subject to each of them furnishing solvent surety in the sum of Rs.50,000/- (Rupees Fifty Thousand only) and a 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 19-03-2026.

JUDGE