

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
Crl. Bail Appln. No.627 of 2022

Date Order with Signature(s) of Judge(s)

For hearing of bail application.

27.04.2022

Mr. Mujeeb-ur-Rehman, advocate for applicants.
Mr. H.M. Iftikhar Madani, advocate for complainant.
Mr. Faheem Hussain Panhwar, DPG, Sindh.

ZAFAR AHMED RAJPUT, J:- Through instant criminal bail application, applicants/accused (1) Sarzameen Khan s/o Kaali Zar and (2) Muhammad Akhtar S/o Luqman seek post-arrest bail in Crime No.317/2022, registered at P.S. Sohrab Goth, Karachi, under Section 147,148,149,186,430,427, P.P.C. r/w section 14-A(1)(b) of the Karachi Water and Sewerage Board Act, 2015 (***the "Act"***). Their earlier applications for the same relief bearing Nos. 1339 and 1351 of 2022, respectively, were heard and dismissed by the learned Sessions Judge, Malir Karachi vide single order, dated 26.03.2022.

2. Briefly stated, the facts of the prosecution case are that, on 22.03.2022, Anwar Qadri, Sub-Inspector KW&SB lodged aforesaid F.I.R., alleging therein that, on 16.03.2022, he alongwith his staff reached Bajnoor Cooperative Housing Society, where he found installing of 3" (*three inches*) connection illegally in 12" (*twelve inches*) water line. The complainant came to know that the said connection was installed by one Bakhtullah and others which he disconnected after taking into his possession the water motor and then he reached Qalandri Chowk of the said society at about 1230 hrs., where (1) Bakhtullah, (2) Saad Gul (3) Manzoor (4) Farooq (5) Saleem (6) Peer Muhammad (7) Muhammad Shafiq (8) Zard Ali (9) Muhammad Arif (10) Sarzameen Khan (*applicant No.1*) (11) Abdullah Soorti (12) Muhammad Akhtar (*applicant No.2*) (13)

Fayaz Qadir (14) Maroof and 25/30 unknown persons attacked on complainant party with sticks and stones and Bakhtullah took away water motor, for that the accused persons were booked in the F.I.R.

3. After hearing the learned counsel for the applicants, complainant, Deputy Prosecutor General and perusing the material available on record, it transpires that though the names of present applicants appear in F.I.R., yet neither in F.I.R. nor in the material available with the prosecution, it appears that they were in any way beneficiary of the alleged theft of water through establishing illegal hydrant for industrial, commercial or residential use so as to attract the provisions of section 14-A(1)(b) of the Act. It further transpires that the specific allegation with regard to taking of water pump/machine from the possession of complainant party has been leveled against the co-accused Bakhtullah, while the allegations against the present applicants are of committing mischiefs and obstructing the complainant party/public servants in discharging their public function and in this regard all the sections referred to in the F.I.R. appear to be bailable.

4. For the foregoing facts and reasons, the instant bail application is allowed. Consequently, the applicants are admitted to post-arrest bail subject to their furnishing solvent surety in the sum of Rs.100,000/- (Rupees One Hundred Thousand only) each and P.R. bond in the like amount to the satisfaction of the trial Court.

CrI. Bail application stands disposed of.

JUDGE