

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI
Cr. Bail Appln No. 1824 of 2020
Cr. Bail Appln No. 1837 of 2020
Cr. Bail Appln No. 1838 of 2020

Date	Order with signature of Judge
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For hearing of bail applications

28.10.2021

Mr. Abbas Ali Sehar, advocate for the applicant in Cr. Bail Application No. 1838 of 2020

Mr. Asif Ali, advocate for the applicant in Cr. Bail Application No. 1824 of 2020

Mr. Aurangzeb, advocate for the applicant in Cr. Bail Application No. 1837 of 2020

Syed Meeral Shah, APG

AFTAB AHMED GORAR, J: Since all the listed criminal bail applications arising out of the same FIR bearing No.232 of 2020, registered at Police Station Kalri, punishable for offences under section 322/427/288/337-H(i)/448/34 PPC and the applicants therein also assailed the common order dated 25.11.2020 passed by the VIIIth Additional Sessions Judge, Karachi (South), therefore, I intend to deal with all the listed criminal bail applications simultaneously and will dispose these of by a common order as well.

2. Learned Counsels for the applicants submitted that the applicants are innocent and have falsely been implicated in this case. They further contended that all the applicants are officials of SBICA and had fulfilled all the requirements for vacating the building in question even they declared the building in question as dangerous well before it was collapsed, referred the building to Danger Committee, issued letters to different departments, they also issued notices to the occupants of building to vacate the premises, they pasted notices on main gate of the building as well as on the doors of every flat. He further contended that when the building trembled though it was

vacated by most of the residents, however some people rushed in building to take their valuables and in the meantime the building collapsed hence the incident took place. They submitted that the applicants shown their bona fide efforts and there is no lapse on the part of any applicant due to which building could be said to have collapsed. He therefore, prayed that in view of above facts, a case of further inquiry is made out and the applicants are entitled to bail.

3. Learned APG has opposed the bail and submitted that it is the obligation of the applicants being officials of SBCA to get vacated the building from the public while it was already declared dangerous but record reveals that though they have issued notices to the occupants of the building and pasted the same at the doors but thereafter they did not take any practical action to get the building vacated from the occupants by Police aid despite of having knowledge that it was going to collapse. He submitted that in view of negligence of the applicants twenty two persons had lost their lives. He submitted that the applicants failed to make out a prima facie case in their favour therefore, they do not deserve any leniency and as such prays that the bail applications of the applicants may be dismissed.

4. I have heard the learned Counsels for the applicants, learned Prosecutor and minutely perused the material available on record.

5. Admittedly all the applicants are SBCA officials and they declared the building in question as dangerous well before the time of its collapse. In that regard they referred the building to Danger Committee, issued letters to different departments, issued notices to the occupants of building to vacate the building and even pasted the notices on main gate of the building as well as on the door of every flat, which fact has no denial.

6. As far as the opposition of bail by the learned Prosecutor on the ground that though the applicants took some efforts as required under the law to vacate the building, however they did not take any physical action to get the building in question forcibly vacated despite being authority under obligation, it seems that on 21.4.2021 when these applications were fixed for hearing before this Court, one DSP Siraj Lashari was appointed to reinvestigate the matter and submit his report for fair conclusion of these applications. In compliance of the above order, DSP Siraj Lashari conducted reinvestigation of the matter and submitted his report on 14.10.2021 wherein para-b of its conclusion stated that apart from the fact of issuance of notices to the occupants of building by the applicants for vacating it, luckily on 07.06.2020 few hours before its collapse the building badly trembled which frightened its residents therefore, the building was completely vacated within minutes. On such information Madadgar-15 Police mobile also reached at the spot and tried to keep people away from the building but after a while suddenly some occupants run and entered in the building to collect their valuable items, meanwhile the building had collapsed resultantly twenty two persons died. Hence there are several facts which prima facie makes a case of further inquiry and unless some solid evidence in respect of the negligence of applicants in respect of collapse of building comes on record, they could not be kept behind bars as they are not habitual criminals rather public servants.

7. In view of above discussion, the interim pre-arrest bail granted to the applicants is hereby confirmed on the same terms and conditions.

8. All the listed bail applications stand dispose of in the above terms. Office is directed to place a copy of order in all the connected matters.

JUDGE