

**ORDER SHEET**  
**IN THE HIGH COURT OF SINDH KARACHI**

Crl. Bail Application No. 824 of 2023

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**DATE**

**ORDER WITH SIGNATURE OF JUDGES**

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For hearing of bail application.

**27-04-2023**

Mr. Abdul Wahab Bhutto, Advocate for applicants.

Mr. Iftikhar Madani, Advocate for KW&SB.

Mr. Abrar Ali Khichi, Addl.P.G.

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**Omar Sial, J:** Bashir Ahmed and Asif Ali have sought post arrest bail in crime number 94 of 2023 registered under sections 430, 427 and 34 P.P.C. read with section 14-A of the KWSB Act, 2015 at the Gulshan-e-Maymar police station.

2. A background to the case is that the aforementioned F.I.R. was registered on the complaint of Syed Mohammad Kashif Ali on behalf of KW&SB. Kashif reported that on 21.03.2023 while he checking water pipe lines, they saw that 3 persons were tampering with a water pipeline. The work was being done upon the instructions of 5 persons, who were all identified in the F.I.R. and who were all apparently employees of KW&SB. None of the persons said to be the masterminds of the illegal work going on were arrested however the 2 applicants who were laborers were taken into custody.

3. I have heard the learned counsels for the applicants and the KW&SB.

4. Learned counsel for KW&SB has admitted the 2 applicants were poor, illiterate, laborers and at the time of the offence were digging a hole near the pipeline.

5. This court cannot be party to lop sided justice. Absolutely no explanation has been provided as to what action has been taken by KW&SB against its employees upon whose behest the digging work was going on.

While ignorance of the law academically is no excuse to know the law, keeping in mind the economic status of the applicants, the non-existence of education and their financial conditions, leniency can be shown to them at this bail stage on the ground that they were unaware of the alleged ulterior motives of the KW&SB officials, who had instructed them to dig. The case against the applicants is one of further inquiry.

5. Above are the reasons for the short order dated 20.04.2023.

JUDGE