

**ORDER SHEET**  
**IN THE HIGH COURT OF SINDH, KARACHI**  
**Criminal Bail Application No.550 of 2021**

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*Date* *Order with signature of Judge*

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*For hearing of Bail Application.*

**11.08.2021**

Mr. Ghulam Nabi, Advocate a/w Applicants (on bail).  
Ms. Rahat Ehsan, Addl. Prosecutor General, Sindh.  
Mr. Syed Ahmed, Advocate for the Complainant.

**ORDER**

**Muhammad Saleem Jessar, J:-** Through this application, applicants (i) Rabnawaz, (ii) Shahab Ahmed and (iii) Syed Ahmed Umair Zaidi seek their admission on pre-arrest bail in Crime No.135/2021 of Police Station Awami Colony, Karachi, under Section 430/427/34 PPC read with section 14-A(ii)/14-B(ii)/KWSSB Amendment Act 2015. The bail plea preferred by the applicants before first forum was declined by means of order dated 30.03.2021, hence this bail application.

Since the facts of the prosecution case are already mentioned in the impugned order as well as FIR, which are annexed with Court file, therefore, there is no need to reproduce the same.

Learned counsel for the applicants/accused submits that no specific role has been assigned to the applicants in FIR and there is no any illegal connection made or used by the accused for their industry as such AGI having legal water connection obtained after due process of law and they have been paying bills regularly without any default of negligence. Further submits that section 427 PPC is bailable while section 430 PPC read with section 14-A(ii), 147(11-B) KW&SB Amendment Act 2015 are not applicable in this case. Next submits that parties have settled their dispute outside the Court, therefore, complainant has no objection for confirmation of their bail.

On the other hand, learned Addl. P.G Sindh, appearing for the State as well as counsel for the complainant do not oppose the bail application on the ground that parties have settled their dispute outside the Court.

**Heard arguments and perused record.** Since the complainant, who himself is the victim of offence, is present along with his counsel, affirms contention advanced by learned counsel for the applicants/accused and submits that due to intervention of the elders of their community/vicinity he has buried all the hatchets and thereby has settled down dispute with the accused. Hence, he has no objection if by granting this application, bail granted to applicants earlier may be confirmed.

Since the offence with which applicants stand charged, does not exceed limits of prohibitory clause of section 497 Cr.PC coupled with fact that complainant has no objection, I am of the view that case against applicants/accused requires further inquiry. Accordingly, instant bail application is hereby allowed; interim bail granted earlier to applicants **(i) Rabnawaz son of Asim Khan, (ii) Shahab Ahmed son of Shehzad Muhammad Shaikh and (iii) Syed Ahmed Umair Zaidi son of Syed Nonihal Ahmed Zaidi** on 01.04.2021 is hereby confirmed on same terms and conditions.

Before parting with this order; however, it is clarified that the reasoning given in this order are tentative in nature and will have no effect whatsoever in any manner upon the merits of the case.

Applicants present before the Court are directed to continue their appearance before the trial Court without negligence and in case they may misuse the concession or may temper with the prosecution's evidence then the trial Court is competent to take legal action against them as well to their surety in terms of Section 514 Cr.PC. Trial Court is also hereby directed to make necessary arrangements for securing attendance of the prosecution witnesses and conclude the trial within shortest possible time under intimation to this Court through MIT-II.

Let copy of this Order be communicated to trial Court through learned Sessions Judge, concerned. Learned MIT-II to ensure compliance.

**JUDGE**