

**THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA**

**1<sup>st</sup> Criminal Bail No.S-407 of 2023**

Applicant: Rehmatullah son of Khair Muhammad Bajkani through Mr. Fayaz Ali Shaikh, Advocate.

The State: Through Mr. Aitbar Ali Bullo, Deputy Prosecutor General, Sindh.

Date of hearing: 11.09.2023

Date of Order: 11.09.2023

**ORDER**

**SHAMSUDDIN ABBASI, J.**- Through instant bail application, applicant Rehmatullah Bajkani seeks post arrest bail in the case emanating from F.I.R No.29/2022, registered at Police Station Tangwani for offence punishable under Sections 302, 34 P.P.C. after his bail plea was declined by the learned 1<sup>st</sup> Additional Sessions Judge, Kandhkot vide Order dated 15.07.2023.

2. The brief facts of the prosecution case are that on 01.07.2022 complainant Ghulam Yasin Malik appeared at the Police Station and lodged F.I.R. alleging therein that applicant Rehmatullah duly armed with TT Pistol came at the scene of offence alongwith co-accused and caused firearm injury to deceased Ghulam Rasool alias Ghulam Haider Malik; resulting into his death. Hence the F.I.R.

3. Learned counsel for the applicant has contended that the alleged offence is compoundable. Complainant party and legal heirs of deceased have entered into compromise with the applicant party and they have filed their affidavits, recorded no objection for grant of bail to the applicant/accused.

4. Today, complainant Ghulam Yasin Malik and P.Ws Muhammad Sawali and Yar Muhammad are present in Court and filed their affidavits, recorded their no objection for grant of bail

to the applicant / accused. The legal heirs of deceased have already filed their affidavits of no objection for grant of bail to the applicant/accused. Learned Deputy Prosecutor General appearing for the State has also recorded his no objection for grant of bail to the applicant/accused in the background of compromise effected between the parties.

5. Heard learned counsel for the applicant, complainant in person, learned Deputy Prosecutor General and perused the material available on record. Admittedly, the alleged offence is compoundable. Complainant Ghulam Yasin Malik, P.Ws Muhammad Sawali and Yar Muhammad; and legal heirs of deceased namely Mst. Bashiran (widow), Mian Bux (son), Mst. Amina (Daughter), Mst. Koonjan (Daughter) and Mst. Naziran (Daughter) have filed their affidavits in which they have admitted that they are entered into compromise with the applicant and they have no objection for grant of bail to the applicant/accused. In my humble view the compromise in compoundable offence is a good ground for grant of bail as has been held in the cases reported as 2003 MLD 1665 (***Muhammad Rind and 3 others v/s. The State***), 2019 MLD 125 (***Sher Awan and another v/s. The State***), 2018 YLR 2501 (***Tahir Iqbal and 6 others v/s. The State***).

6. In view of the above, instant bail application is allowed. Applicant Rehmatullah Bajkani is admitted to bail subject to his furnishing a solvent surety in the sum of Rs.100,000/- (*Rupees One Hundred Thousands only*) and P.R bond in the like amount to the satisfaction of the learned trial Court.

**Judge**