

THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA

1st Criminal Bail No.S-452 of 2023

Applicants: (1). Muhammad Yousif son of Allah Bux Brohi.
(2). Ali Gul son of Ali Anwar Brohi.
Through Mr. Rashid Ali Tunio, Advocate.

Complainant: Ahmed Khan, present in person.

The State: Through Mr. Imran Mubeen Khan, Assistant
Prosecutor General, Sindh.

Date of hearing: 02.10.2023

Date of Order: 02.10.2023

ORDER

SHAMSUDDIN ABBASI, J.:- Through instant bail application, the applicants seek pre-arrest bail in the case emanating from F.I.R No.16/2023, registered at Police Station Airport, Larkana for offence punishable under Sections 337-A(i)(ii), 337-F(i), 506/2, 34 P.P.C. after their bail plea was declined by the learned Additional Sessions Judge-IV, Larkana vide Order dated 10.08.2023.

2. The brief facts of the prosecution case are that on 20.07.2023 complainant Ahmed Khan appeared at Police Station and lodged F.I.R. alleging therein that on 16.07.2023 at 07:00 a.m. applicants/accused alongwith other accused armed with lathi caused injuries to him and his son in the background of a dispute over the plot.

3. Learned counsel for the applicants has contended that the alleged offence is compoundable and the complainant party has patched up with the accused party outside the Court and the complainant has sworn his affidavit, recorded his no objection for grant of bail to the applicants/accused, therefore,

pre-arrest bail earlier granted to the applicants/accused may be confirmed.

4. The complainant and learned Assistant Prosecutor General appearing for the State have recorded their no objection for grant of bail to the applicants/accused in the background of compromise effected between the parties.

5. Heard learned counsel for the respective parties and perused the material available on record. Admittedly, the alleged offence is compoundable and the parties have patched up and buried their differences outside the Court. The complainant, who is himself injured has filed his affidavit, in which he has admitted that he is entered into compromise with the applicants and has no objection if the interim pre-arrest bail granted to the applicants/accused is confirmed. 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; the interim pre-arrest bail granted to the applicants/accused vide order dated 16.08.2023 is confirmed on same terms and condition.

Judge

Manzoor