

ORDER SHEET

IN THE HIGH COURT OF SINDH, KARACHI

CR. BAIL APPLN. NO.1145 OF 2025

CR. BAIL APPLN. NO.1217 OF 2025

Date

Order with Signature(s) of Judge(s)

FOR HEARING OF BAIL APPLICATION

02.06.2025

M/s. Nasrullah Korai and Gulsher Advocate for the applicant
S. M. Farhan Shafi complainant in person
Mr. Qamaruddin DPG

Through this application the applicant Amir @ Amiri seeks post arrest bail. Learned counsel for the applicant/accused pleads that earlier bail application of the applicant was rejected on 10.04.2025, whereas second bail application was moved which was rejected vide order 30.04.2025 on the ground that the offence of robbery was not compoundable. Learned DPG confirms such position.

2. The Applicant/Accused was arrested and booked under FIR No.732/2024 under Sections 392/397/34 PPC registered at P.S. Azizabad Karachi. His bail application was declined by the learned II-Additional Sessions Judge, Central Karachi, vide order dated 30.04.2025; hence this bail application. Although, no objection was extended by the complainant for grant of bail to the applicant, however the only reason based whereon the applicant's bail application was declined by the learned Sessions Judge was, that the offence of robbery is not compoundable. Learned counsel has placed reliance upon 2021 P.Cr.L.J. 124, 1995 MLD 1826 and other judgements to establish that even in cases which are not compoundable, relief has been granted by the superior courts.

5. Heard and perused the record.

6. The complainant is present in person in Court who extends his No Objection to grant of bail and based whereon, the learned DPG also extends his No objection. From perusal of the immune order, it appears that the learned judge failed to consider the cases starting with '*Ghulam Ali*' (1997 SCMR 1411), where in a case of fraud by a public servant, compromise was accepted by the Supreme Court. The learned Judge also failed to consider '*Tasawar Hussain*' (2021 YLR Note 124), where in an identical case of robbery, which was not compoundable, the accused was admitted to bail, based upon no objection extended by the complainant. Identical decisions also escaped the consideration of the learner Judge viz, '*Muhammad Akram*' (1995 MLD 1826) and '*Mst. Mussarat Elahi alias Bibi*' (1997 PCr.LJ 1193), '*Hazrat khan v. The State*' (2008 MLD 991), '*Muhammad Makki*' (2010 P.Cr.L.J. 1482), '*Ali Raza*' (PLD 2013 Lahore 651) and '*Muhammad Ayub*' (2014 P.Cr.L.J 178). Considering the above legal position, which was not considered by the learned Court below and also considering the no objection extended by the complainant and the law officer, the bail application is therefore, allowed and applicant is admitted to bail subject to furnishing solvent surety in the sum of Rs.30,000/- (Rupees Fifty Thousand only) in each application with P.R. bond to the satisfaction of the learned trial Court.

JUDGE

MUSHARRAF ALI