

IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR

Cr. Bail Appln. No. S-1089 of 2025

Applicants : 1) Javed Ahmed s/o Muhammad Umar
2) Ghulam Akbar s/o Ghulam Rasool
3) Ghulam Asghar s/o Ghulam Rasool
All by caste Napar, in person

Complainant : Ghulam Mustafa s/o Khan Muhammad, in person

The State : Mr. Mansoor Ahmed Shaikh, DPG

Date of hearing : 02.03.2026

Dated of order : 02.03.2026

ORDER

KHALID HUSSAIN SHAHANI, J.- Applicants Javed Ahmed, Ghulam Akbar and Ghulam Asghar, all by caste Napar, seek confirmation of ad-interim pre-arrest bail granted to them by this Court vide order dated 10.11.2025 in a case bearing Crime No.63 of 2025, for offences under Sections 452, 114, 324, 337-H(2) and 34 PPC, registered at Police Station Dubar, District Sukkur. Their earlier attempt before the learned Additional Sessions Judge-IV (H), Sukkur, for the concession of pre-arrest bail was repelled through order dated 06.11.2025.

2. The substratum of the prosecution case, as articulated in the FIR lodged by complainant Ghulam Mustafa Napar, is that on 01.10.2025 at about 12:00 noon, he, along with his brother Muhammad Sharif and cousin Abdul Jabbar, was present at his residential house situated at Village Khan Muhammad Napar, Taluka Rohri, when accused Muhammad Umar (real brother of the complainant), accompanied by co-accused Ghulam Akbar, Ghulam Asghar and Jawed, all armed with guns and pistols, allegedly committed criminal trespass into the complainant's house over a dispute pertaining to distribution of landed property. It is alleged that Muhammad Umar instigated the co-accused to teach a lesson to the complainant for not conceding his share in the land, whereupon co-accused Ghulam Akbar and Ghulam Asghar allegedly fired straight shots at the complainant with the intention to commit his murder, though providentially no firearm injury was

sustained. It is further alleged that accused Jawed subjected the complainant to kicks and fist blows and, upon intervention by other family members, the accused resorted to aerial firing and decamped from the scene. The FIR was lodged the same day at about 1500 hours.

3. The applicants, present in person, contend that they are absolutely innocent and have been roped in on account of a pre-existing civil discord over landed property. They further assert that the parties have now buried the hatchet and amicably resolved their differences, and that the complainant as well as the purported injured have no objection if the ad-interim pre-arrest bail earlier granted to them is confirmed.

4. The complainant Ghulam Mustafa, and witnesses Muhammad Sharif and Abdul Jabbar have appeared in person before this Court and have, in unambiguous terms, affirmed that they have resolved their dispute with the applicants and that they harbor no objection to confirmation of the interim pre-arrest bail. They have further expressed their explicit intention to approach the learned trial Court for recording of a compromise in accordance with Section 345 Cr.P.C, so that the matter may be brought to a lawful closure. The stance of the complainant and witnesses appears to be voluntary, categorical and free from any apparent taint of coercion or duress.

5. The learned Deputy Prosecutor General, Sindh, while not contesting the factum of compromise or the relationship between the parties, has raised no serious objection to confirmation of the ad-interim pre-arrest bail, inter alia, on the premise that the main offences embodied in the FIR are, in law, compoundable, and that continuation of incarceration or the specter of arrest in the face of a genuine settlement would serve no fruitful purpose. In criminal jurisprudence, the factor of a lawful compromise has consistently been recognized as a relevant consideration at the bail stage, even in respect of offences otherwise compoundable, in order to foster social harmony and to pre-empt further vendetta.

6. The record reveals that the main offences alleged in the present FIR, including section 324 PPC, fall within the purview of section 345 Cr.P.C, and are legally capable of being compounded with the permission of the trial Court. The parties are closely related by blood and the genesis of the dispute lies in partition of ancestral landed property, thereby imparting to the occurrence a pronounced familial and private character as opposed to an offence impacting the larger public at large. The complainant and material witnesses have appeared personally, have unequivocally owned the compromise and have expressly recorded their no-objection to confirmation of bail.

It is now a well-entrenched principle that where a lawful settlement has been arrived at in a compoundable matter, such compromise can be treated as a strong mitigating circumstance while dealing with a prayer for bail, in order to promote peace, tranquility and restoration of relations between the parties. At the same time, the compromise arrived at the bail stage does not, by itself, translate into an acquittal, which remains subject to the mandate and permission of the trial Court under section 345 Cr.P.C, as explicated by the Supreme Court while holding that a compromise effected during pre-arrest bail proceedings, when the prosecution is not yet pending before the trial Court, cannot per se be made the basis for acquittal under Sections 345 and 249-A Cr.P.C.

7. In the present case, keeping in view: (i) the compoundable nature of the main offences; (ii) the close familial relationship between the parties and the civil flavor of the underlying dispute; (iii) the voluntary and consistent stance of the complainant and eye-witnesses, recorded in Court, that they have resolved the matter and have no objection to confirmation of pre-arrest bail and intend to seek compounding before the trial Court; and (iv) the settled jurisprudence that in compoundable matters a bona fide compromise furnishes a good ground for grant or confirmation of bail to uphold peace and social

concord, I am of the tentative view that the applicants have successfully brought their case within the ambit of further leniency at the bail stage and have made out a fit case for confirmation of pre-arrest bail.

8. Resultantly, this criminal bail application is allowed. The ad-interim pre-arrest bail earlier granted to the applicants vide order dated 10.11.2025 is hereby confirmed on the same terms and conditions already furnished by them, subject to their continued obligation to join investigation as and when required by the investigating officer and to attend the trial proceedings regularly before the learned trial Court.

9. It is clarified that the observations made herein are purely tentative and confined to the decision of this bail application and shall not prejudice, influence or fetter the learned trial Court in its independent appraisal of the evidence and determination of the case on its own merits in accordance with law.

J U D G E