

IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR

Cr. Bail Appln. No. S-1094 of 2025
&
Cr. Bail Appln. No. S-1108 of 2025

Applicants : 1) Muhammad Imran s/o Khan Muhammad Napar
2) Ghulam Sarwar s/o Khan Muhammad Napar
3) Abdul Jabbar s/o Abdul Razak Napar
4) Ghulam Mustafa s/o Khan Muhammad Napar
Through Mr. Nathoo Lalwani, Advocate

Complainant : Munawar Hussain s/o Nazar Muhammad, Napar
Through Syed Sardar Ali Shah Jilani, Advocate

The State : Mr. Mansoor Ahmed Shaikh, DPG

Date of hearing : 02.03.2026
Dated of order : 02.03.2026

ORDER

KHALID HUSSAIN SHAHANI, J.- By this common order, Criminal Bail Application No. S-1094 of 2025, preferred by applicants Muhammad Imran, Ghulam Sarwar and Abdul Jabbar, and Criminal Bail Application No. S-1108 of 2025, preferred by applicant Ghulam Mustafa, arising out of Crime No.65 of 2025, for offences under Sections 457, 148, 149, 504, 506/2, 337-A (i) and 337-F (i) PPC, registered at Police Station Dubar, District Sukkur, are being decided together, as they spring from the same occurrence and rest on a common factual substratum. The applications for pre-arrest bail of the afore-named accused were earlier declined by the learned Additional Sessions Judge IV (H), Sukkur through separate orders.

2. Succinctly, the prosecution narrative, as articulated in the FIR lodged by complainant Munawar Hussain Napar on 04.10.2025 at about 2015 hours, relating to an incident allegedly occurring on 29.09.2025 at about 9:30 p.m, is that the complainant, in the company of his cousin Ghulam Akbar and one Himat Ali, was present at his house situated in Village Khan Muhammad Napar, Taluka Rohri, when the present applicants along with co-accused Kamran and two unidentified persons,

allegedly armed with *lathis* and hatchets, trespassed into the house, hurled abuses and inflicted *lathi* and hatchet blows upon Ghulam Akbar, who fell down as a result. It is further alleged that the accused persons extended threats of dire consequences and thereafter decamped from the scene. The injured was shifted for medical treatment and, subsequently, the FIR was registered.

3. Learned counsel for the applicants has argued that the applicants are innocent and have been roped in on account of prior discord over landed property within the same kindred, thus bringing the element of mala fides into sharp focus. He submits that with the intervention of respectable persons of the locality, the dispute has been amicably resolved inter se the parties, who are closely related, and that both the complainant and injured have unequivocally expressed no objection if the ad-interim pre-arrest bail earlier extended to the applicants is confirmed. It is further contended that the applicants, having joined the investigation and cooperated with the Investigating Officer, have not abused or misused the concession of interim pre-arrest bail.

4. Conversely, learned counsel for the complainant, with fairness, affirms that the parties, being near relatives, have settled their dispute amicably through the mediation of elders and notables and that the complainant does not object to the confirmation of interim pre-arrest bail already granted to the applicants. It is further stated that the parties intend to approach the learned trial Court for recording their compromise in terms of Section 345 Cr.P.C, as and when so advised, in accordance with law.

5. Learned State Counsel, while adopting a non-adversarial posture in the circumstances obtaining, also does not oppose confirmation of interim pre-arrest bail in view of the compromise effected between the parties, their close relationship, and the nature of the accusations,

particularly when no material has been pointed out suggesting any misuse of the relief already enjoyed by the applicants.

6. The record reflects that the occurrence admittedly emanates from domestic and intra-family discord regarding landed property, and that the parties are inter se related. The complainant, through his learned counsel, has supported the compromise and has raised no objection to the confirmation of pre-arrest bail. The offences reflected in the FIR do not, on the face of the record, fall within the prohibitory limb of Section 497(1) Cr.P.C; rather, they are offences for which the maximum punishment does not attract the rigors of the said prohibitory clause and are, in substance, compoundable in nature within the contemplation of Section 345 Cr.P.C, subject to the satisfaction and permission of the trial Court at the appropriate stage. The applicants have remained on ad-interim pre-arrest bail; their presence has been secured; no complaint has been brought to the fore regarding misuse of the concession; and no tendency to abscond or tamper with the prosecution evidence has been demonstrated.

7. The august Supreme Court has consistently held that relief of pre-arrest bail is an extraordinary and discretionary remedy, essentially designed to thwart abuse of the process of law and to protect the liberty, honor and reputation of a person who can prima facie show mala fide, ulterior motive or a design of harassment in the initiation of criminal proceedings, and who has cooperated with the investigation without abusing the+ concession of ad-interim bail. It is equally well-entrenched that in offences not falling within the prohibitory clause, the rule is tilted in favor of grant of bail, and refusal thereof is an exception to be justified on sound judicial reasoning, *inter alia*, where the likelihood of absconding, tampering with evidence or repetition of the offence is convincingly established. Further, while a compromise reached at the bail stage does not,

by itself, ipso facto entail acquittal, it is nonetheless a relevant circumstance to be weighed in the judicial scales while considering the confirmation of bail, particularly in compoundable offences arising from family or private disputes, subject always to the trial Court's independent satisfaction under Section 345 Cr.P.C.

8. In the totality of circumstances namely, (i) the admitted family relationship between the parties; (ii) the genesis of the dispute in intra-family differences over property; (iii) the categorical stance of the complainant, through counsel, supporting the compromise and raising no objection to confirmation of bail; (iv) the non-attraction of the prohibitory clause of Section 497(1) Cr.P.C; (v) the compoundable complexion of the alleged main offences in terms of Section 345 Cr.P.C; and (vi) the applicants' conduct in not misusing the concession of interim pre-arrest bail, the applicants have succeeded in making out a case for confirmation of pre-arrest bail within the settled parameters enunciated by the apex Court.

9. Resultantly, both these pre-arrest bail applications are allowed. The ad-interim pre-arrest bail earlier granted to the applicants, is hereby confirmed on the same terms and conditions already imposed.

10. The observations made herein are purely tentative in nature, confined to the decision of these bail applications, and shall not prejudice the case of either party nor shall they be construed as an expression of opinion on the merits of the case at the trial.

Office is directed to place a signed copy of this order in the connected matter.

J U D G E