

IN THE HIGH COURT OF SINDH, CIRCUIT COURT LARKANA

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Crl. Bail Appln. No. S- 503 of 2020.

Date of hearing	Order with signature of Judge
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31.12.2020.

1. For orders on office objections.
2. For hearing of bail application.

Mr. Shahbaz Ali Brohi, Advocate for applicants.
 Mr. Aitbar Ali Bullo, Deputy Prosecutor General.

O R D E R.

Muhammad Saleem Jessar, J: Through instant application, applicants Imtiaz Ali, Irfan Ali, Muhammad Ali and Irshad Ali have sought for grant of *post-arrest* bail in *Crime No.16/2020*, of Police-Station Karan Sharif (*District Shikarpur*), registered under Sections 324, 337-A (i), 337-F (i), 114 147 and 148 P.P.C. Their similar prayer was declined by the learned trial Court, vide order dated *23.09.2020*.

Per *F.I.R* lodged by complainant Munir Ahmed Buriro the case of prosecution is that accused Ali Gohar exchanged harsh words with complainant Munir Ahmed at fish-pond over cattle trespass. That on 01.06.2020 the complainant, his cousin Sajid Ali and Amanullah were standing in-front of their Otaq situated in village Maroon Buriro, when there came accused Irshad, Muhammad Ali having hatchets, Ali Gohar, Darhoon alias Shah Nawaz, Imtiaz, Imran, Irfan, Nawab and Riaz having lathis. And, on instigation of Ali Gohar, accused Imtiaz caused lathi blow to complainant on his head, while accused Irfan inflicted him lathi blow on left shoulder, accused Irshad and Muhammad Ali caused hatchet blows to Sajid Ali and Amanullah on their heads. In the meanwhile, the co-villagers intervened and accused persons went away. The



injured were removed to hospital and ultimately the complainant went to police-station and lodged report to the above effect.

It is mainly contended by the learned counsel for applicants that the parties have patched-up outside the Court and intend to file such application to effect the compromise arrived at between them before the trial Court. Learned counsel for the applicants under cover of his statement dated 31.12.2020 files affidavits of the complainant Munir Ahmed and injured witnesses, namely, Sajid Ali and Amanullah, which are taken on record. The complainant and injured witnesses in their affidavits have mentioned that they have no objection, if the applicants-accused are granted bail. Per learned counsel, this is compoundable offence and complainant party have recorded their no objection for grant of bail due to compromise between the parties. Hence, he prays for their release on bail.

Complainant and injured/ PWs named-above are present in person; they affirm the contents of affidavits filed by them and state that the Nekmards of accused side and their side have intervened and talks of compromise between are going-on, which would only be finalized and settled after release of applicants-accused from jail, as such they have no objection for grant of bail to the applicants-accused.

Learned D.P.G.in view of above position extends no objection for grant of this application.

Heard learned counsel for the applicants-accused and learned D.P.G appearing for the State. Perusal of affidavits sworn-in by complainant and injured/ PWs reveals that they have categorically stated in their respective affidavits that they have patched-up their differences with the accused party,



therefore, have extended no objection for grant of bail to applicants-accused. I find support from the case law reported in 2003 MLD 1665, whereby it was held as under:

"At the very outset it is stated by Mr. Madad Ali Shah, learned counsel for the applicants that elders of the parties have intervened and are making efforts to bring about differences between the applicants and the complainant party. The complainant party, according to him, has no objection if the bail is extended to the applicants, as it will facilitate the resolution of the long drawn dispute between the parties. Complainant of the crime Muhammad Haneef son of Muhammad Siddique is present in Court and has made a statement under his signature duly supported by the affidavit to the above effect and so also similar statements have been made by Sikander Ali and Ghulam Abbas, the alleged injured."

I have inquired from all three persons, they confirm the statement of Mr. Madad Ali Shah, learned counsel for the applicants and state there is possibility of resolving the controversy."

In view of the facts that the parties have patched-up; offence is compoundable and complainant party has pardoned the applicants-accused; they have recorded no objection for the grant of bail to applicants-accused; compromise is a good ground for bail in the interest of justice in order to avoid further bloodshed between the parties. Consequently, this bail application is allowed and the applicants are admitted to bail subject to their furnishing solvent surety in the sum of Rs.50,000/- (*Fifty thousand rupees*) each and P.R

Bonds in the like amount to satisfaction of learned trial Court.


Judge

Ansari