IN THE HIGH COURT OF SINDH AT KARACHI

Criminal Bail Application No.3252 of 2026

Applicant	:	Muhammad Aqeel s/o A. Aziz Noor Muhammad *Through* Mr. Muhammad Mudassir Advocate
Respondent	:	The State *Through* Mr. Zahoor Shah, Additional Prosecutor General duly assisted by Mr. Siraj Ahmed Mangi, Advocate for the Complainant.
Date of hearing	:	05.11.2026
Date of Order	:	05.11.2026

O R D E R

KHALID HUSSAIN SHAHANI, J. – Applicant Muhammad Aqeel seeks pre-arrest bail in a case bearing crime No. 411/2026, registered at Police Station Darakhshan, Karachi, for offence under Section 489-F, PPC, after rejection of his earlier application by the learned VIth Additional Sessions Judge, Karachi South, on 22.09.2026.

2. The prosecution case, briefly stated, is that the applicant, under the pretext of arranging bank-repossessed vehicles, allegedly obtained Rs.17,500,000/- from the complainant through various transactions. Although certain vehicles were subsequently delivered, they were allegedly reclaimed by their actual owners. Upon demand for repayment, the applicant purportedly issued five postdated cheques, one of which, amounting to Rs.3,500,000/-, was dishonoured upon presentation, resulting in registration of the FIR.

3. Heard learned counsel for the applicant, learned Additional Prosecutor General, assisted by learned counsel for the complainant, and examined the record. During the proceedings, learned counsel for the applicant placed on record his written undertaking to liquidate the outstanding liability of Rs.17,500,000/-, commencing with payment of Rs.500,000/- on 25.01.2027, followed by instalments of an equivalent amount at intervals of one and a half months until full satisfaction of the liability. The undertaking further acknowledges the complainant's right to seek cancellation of bail in the event of default. The complainant, while expressing no objection to confirmation of bail, has reserved his right to seek formal compounding upon fulfilment of the settlement.

4. The offence under Section 489-F, PPC, is compoundable under Section 345, Cr.P.C., and falls outside the prohibitory clause of Section 497, Cr.P.C. Although the settlement has yet to culminate in formal compounding, the applicant's unequivocal undertaking, coupled with the complainant's express no-objection, constitutes a material subsequent circumstance favoring the exercise of discretion. Besides, the applicant is stated to have joined the investigation, the incriminating material is predominantly documentary, and no compelling investigative necessity for his arrest has been demonstrated. In these circumstances, continued apprehension of arrest would serve no discernible legitimate purpose. The principles governing the relevance of compromise and the distinction between settlement and lawful compounding may also be noticed in 2020 MLD 1873[1] and PLD 2016 SC 347[2].The offence punishable under Section 489-F PPC is compoundable within the contemplation of Section 345 Cr.P.C. The law recognizes the settlement of disputes in compoundable offences and attaches legal significance to a voluntary compromise between the persons concerned. Nevertheless, the present affidavit is confined to the grant of bail, and the complainant has expressly reserved the question of final compounding until fulfillment of the settlement. Such reservation does not detract from the relevance of his no-objection to the present bail proceedings.

5. Consequently, this application is allowed, and the interim pre-arrest bail already extended to the applicant is confirmed on the same terms and conditions, subject to his continued cooperation with the investigation and attendance before the trial Court. The undertaking furnished by the applicant shall remain on record, without being construed as an adjudication of civil liability or as conferring an automatic right to cancellation of bail upon default. The complainant shall, however, remain at liberty to pursue any remedy available under the law.

6. The parties may seek compounding before the learned trial Court under Section 345, Cr.P.C., which shall determine its legality, voluntariness and consequences independently. Nothing observed herein shall prejudice the merits of the trial or be construed as acceptance of the proposed compromise for purposes of acquittal. All observations are tentative and confined to the disposal of this application.

J U D G E

Shahbaz

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[1] *Sohail Ahmad Ghauri v. The State and others.*
[2] *Tariq Mehmood v. Naseer Ahmed and others.*