

IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

Criminal Bail Application No.S-219 of 2023

Applicants: Muhammad Farooq son of Ahmed Bux, Muhammad Rafique son of Muhammad Yaseen and Faiz Muhammad son of Pir Bux, through Mr. Mahmood Alam Abbasi, Advocate.

Complainant: Waqar Ahmed son of Fayaz Ahmed is present in person.

Respondent: The State through Ms. Rameshan, Assistant Prosecutor General, Sindh.

Date of hearing: **06.04.2023**

Date of Order: **06.04.2023**

O R D E R

AMJAD ALI SAHITO, J:- Through the instant criminal bail application, the applicants/accused above named seek their pre-arrest bail in Crime No.26 of 2023, under sections 419, 420, 506, 109, and 34 P.P.C, registered at P.S Pinyari District Hyderabad, after their bail plea was declined by the learned 7th Additional Sessions Judge, Hyderabad vide order dated 04.03.2023.

2. The details and particulars of the F.I.R. are already available in the bail application and crime report, same could be gathered from the copy of F.I.R. attached with such application, hence needs not to reproduce the same hereunder.

3. Learned counsel for the applicants submits that due to intervention of Nekmards of the locality the parties have settled their dispute outside the Court. Complainant Waqar Ahmed son of Fayaz Ahmed is present in person confirms the above position and also states that he has no objection if the interim pre-arrest bail already granted to the applicants be confirmed.

4. Learned Assistant Prosecutor General, Sindh also raised her no objection.

5. I have heard learned counsel for the parties and gone through the material available on the record.

6. Since the offences are compoundable and the parties have settled their differences outside the Court viz-a-viz no objection has been recorded by the complainant of the case for confirmation of bail to the applicants. The offence in which the applicants are charged does not fall within the prohibitory clause of section 497 Cr.P.C. There is no allegation of misusing concession of interim pre-arrest bail by the applicants as they are attending the Trial Court regularly. At bail stage only tentative assessment is to be made, therefore, learned counsel for the applicants is made out a case for confirmation of interim pre-arrest bail. Resultantly bail application is allowed and ad-interim pre-arrest bail earlier granted to the applicants vide order dated 08.03.2023 is confirmed on the same terms and conditions.

7. Needless to mention here that the observations made hereinabove are tentative in nature would not prejudice the case of either party at trial.

JUDGE