

**IN THE HIGH COURT OF SINDH
CIRCUIT COURT MIRPURKHAS**

Crl. Bail Application No.S-51 of 2023
Crl. Bail Application No.S-73 of 2023

DATE ORDER WITH SIGNATURE OF JUDGE

1. For orders on M.A No.249/2023.
2. For hearing of main case.

23.10.2023

Mr. Bhooro Bheel, Advocate for the applicants a/w the applicants.
Mr. Muhammad Yaseen, Advocate for complainant in B.A No.51/2023.
Mr. Shahzado Saleem, Additional P.G Sindh a/w SIP Atta Jutt.
Complainant Mumtaz Ali is present in person.

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ORDER

Shamsuddin Abbasi, J.: Applicant Saddam Hussain seeks pre arrest bail through criminal bail application No.S-51/2023 and applicants Asif and Mazhar Ali seek post arrest bail through criminal bail application No.S-73/2023 in F.I.R No.101/2023 of PS Mangli for offence U/S 324, 364-A, 337-A(i), 109 and 34 P.P.C, after dismissal of their bail plea vide order dated 16.09.2023 and 28.09.2023 respectively.

Brief facts of the prosecution case are that on 21.08.2023 complainant Mumtaz Ali appeared at PS and lodged F.I.R alleging therein that the applicants/accused persons came at the place of incident and abducted Mst. Shahila (daughter of complainant) and also caused fire arm injury to Intiaz Ali (son of complainant) on his right side of forehead.

Learned counsel for the applicants contends that applicants are innocent and they have been implicated in this case due to malafide intentions and ulterior motives and complainant has managed this case with the connivance of police; that the main offence is compoundable and

the parties have patched up outside the court and the complainant has recorded no objection for grant of bail through statement dated 11.10.2023.

Learned counsel for the complainant and the learned Additional P.G have recorded their no objections on the ground that main offence is compoundable and the parties have patched up.

Admittedly, there is delay of six hours in lodging of F.I.R without furnishing plausible explanation and in background of enmity, it cannot be ruled out that F.I.R has been lodged after deliberation and consultation. Surprisingly fire arm injury sustained by injured Imtiaz Ali on forehead has been declared as Shujjah-e-Khaffifah U/S 337-A(i) PPC which is bailable and does not come within the prohibitory clause of section 497 Cr.P.C. Complainant is father of abductee and injured and he recorded no objection for grant of bail on the ground of compromise between the parties. The main section 324 P.P.C is compoundable and parties have settled their dispute outside of the court, therefore, in my humble view, bail in a compoundable offence on the ground of compromise is good ground for grant of bail in order to maintain peace, tranquility and harmony in the area and between the parties as held in cases reported in 2018 YLR 2501, 2019 MLD 125, 2003 MLD 1665. Even the Supreme Court of Pakistan took judicial notice of a compromise in a case which was otherwise not compoundable and the petition for leave to appeal was converted into an appeal and same was accepted and sentence was reduced to the period which he had already been undergone in a case of Ghulam Ali v/s The state 1997 SCMR 1411.

In view of above, interim pre-arrest bail of applicant Saddam Hussain is hereby confirmed on the same terms and conditions and the

post arrest bail of applicants Asif and Mazhar Ali is granted and they are admitted on bail subject to furnishing a solvent surety in the sum of Rs.50,000/- each and a P.R. Bond in the like amount to the satisfaction of the learned trial court.

The observations made here-in-above are tentative in nature and would not prejudice the case of either party at the trial.

The applications stands disposed of.

JUDGE

Faisal