

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI

Crl. Bail Application No. 1791 of 2024

<i>Date</i>	<i>Order with Signature of the Judge</i>
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Applicants : Mehboob son of Saifal, Ghulam son of Haji Ahmed & Haider son of Saifal through Mr. Dur Muhammad Mallah, Advocate

Complainant : Dil Murad son of Muhammad present in court.

The State : Ms. Rubina Qadir, Deputy Prosecutor General, Sindh.

Date of hearing: 20th September, 2024.

ORDER

Muhammad Saleem Jessar, J.- Through instant bail application the applicants Mehboob son of Saifal, Ghulam son of Haji Ahmed & Haider son of Saifal seek their admission to post arrest bail in Crime No. 363/2024 registered with Police Station Sukhan, for the offence punishable under sections 380/457/34 PPC. The applicants had approached the court of Sessions for bail vide Crl. Bail Application No. 3699 of 2024; however, it was assigned to learned VIIIth Additional Sessions Judge Malir Karachi, who after hearing the parties has declined the request so made vide order dated 07.08.2024. Hence this application.

2. At the very outset, learned counsel for the applicants submits that due to intervention of people of vicinity, parties have patched up outside the court, therefore, complainant Dil Murad son of Muhammad has no objection to the grant of this application.

3. The complainant Dil Murad son of Muhammad, having CNIC No. 41406-1138544-7, is present in court also affirms the above statement of learned counsel for applicant and submits that he has no objection to grant of instant bail application. He has also placed before the court affidavit of no objection duly sworn-in by him in the office, which is hereby taken on record.

4. Learned Deputy Prosecutor General, Sindh submits that since the offences with which the applicant stands charged is not compoundable and the no objection extended by victim/complainant has no force, hence in view of above position she does oppose this application.

5. Heard arguments and perused the record. It need not to be iterated that much legal and religious sanctity is attached to the principle of "*Sulh*", which has been appreciated by our religion, by directing the mankind to reach at amicable settlement for their future cordial relations. Since the parties have settled their differences outside the court, hence non-compoundability of the offence will not intercept the way to withhold concession of bail. Reference can be had from the case of Ashique Ali V/S The State (PLD 2008 Karachi 420).

6. Moreover, the offence with which applicant stands charged, is involving punishment which does not exceed limits of prohibitory clause of section 497 Cr.P.C; besides, case is being tried by the Court of Judicial Magistrate where after recording evidence of the parties, if prosecution may succeed to prove its charge against the applicant even then punishment of more than three years cannot be visualized. Reliance can be placed upon the case of MANZOOR ALI alias MUMTAZ Versus THE STATE (2001 P.Cr.L.J 344). Accordingly and in view of dicta laid down by the Hon'ble Supreme Court of Pakistan in case of *MUHAMMAD TANVEER Versus The STATE and another* (PLD 2017 SC 733), case against the applicant requires further inquiry in terms of subsection (2) to section 497 Cr.P.C. Consequently, instant bail application is hereby allowed. Consequently, applicants Mehboob son of Saifal, Ghulam son of Haji Ahmed & Haider son of Saifal shall be released on bail subject to furnishing their solvent surety in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) each and PR Bond in the like amount to the satisfaction of learned trial Court.

7. It need not to iterate that the observation(s) made hereinabove is/are tentative in nature and shall not prejudice the case of either party during trial. However, the learned trial Court may proceed against the Applicant as well as his surety, if he will be found misusing the concession of bail.

This Criminal Bail Application is disposed of in the terms indicated above.

Aamir/PS

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