

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

Cr. Bail Appln. No. S-1032 of 2025

Applicant : Ghous Bux son of Badaruddin, Gopang
Through Mr. Habib-ur-Rehman Shaikh, Advocate

The State : Through Mr. Mansoor Ahmed Shaikh, DPG

Date of hearing : 17.11.2025
Date of order : 17.11.2025

ORDER

KHALID HUSSAIN SHAHANI, J. – The applicant, Ghous Bux, seeks release on post-arrest bail in connection with Crime No.12 of 2019, pertaining to offences under Sections 302, 324, 337-A(i), 337-F(iii), 114, 337-H(2), 148, and 149 of the Pakistan Penal Code, lodged at Police Station Bozdar Wada, District Khairpur. Previously, the learned Additional Sessions Judge, Mirwah, dismissed the applicant's earlier bail application vide order dated 20.10.2025.

2. The core facts, as established in the FIR dated 24.03.2019, reveal that the complainant, Mst. Rabul, after longstanding enmity between her husband, Nazeer Ahmed, and Sikandar Gopang, was compelled to relocate to Qabool Ahmed Gopang. On 24th February 2019, at about 2:30 p.m., near the shrine of Hajjan Shah, the complainant's party encountered the accused, who were armed with firearms and other weapons, and who, upon identification, pointed their arms at the complainant and her associates, resulting in a brutal assault that caused Nazeer Ahmed's death and injuries to Mst. Rubina, both of which are corroborated by medical and factual evidence.

3. Counsel for the applicant contends that all the offences invoked are compoundable, and notably, the complainant, who is also the legal heir of the deceased Nazeer Ahmed, has filed an unequivocal affidavit expressing her no-objection to bail, reflecting a genuine intent towards reconciliation. Further, the parties intend to submit a formal compromise application before the trial court, an aspect that bears significant weight in considering the applicant's case.

4. The learned Deputy Prosecutor General, endorsing the affidavit's veracity, has concisely stated that the prosecution does not oppose bail in light of the disclosed facts and the apparent desire for resolution.

5. Upon detailed examination, it is evident that the offences in question are of a nature that can be settled amicably, and the parties have demonstrated their inclination towards peaceful reconciliation outside the court's purview. The applicant's past conduct, having already been granted bail on similar grounds and the fact that some co-accused have either already been granted bail or acquitted further reinforces the argument that substantive grounds exist for bail. The lone consideration that previously led to rejection was the applicant's alleged absconding; however, the jurisprudence underscores that mere absconding, without other adverse circumstances, should not necessarily be determinative against bail.

6. Given these considerations, and prima facie finding that the applicant has made out a case for further inquiry on the basis of compromise. Accordingly, the present application is allowed, and the applicant is admitted to post-arrest bail upon furnishing a solvent surety of Rs. 300,000/- (Rupees Three Hundred Thousand) and PR bond in the like amount to the satisfaction of the trial court.

J U D G E