

(49) 201

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA

DATE OF HEARING	Ist Crl. Bail Appln. No.S-18 of 2025. ORDER WITH SIGNATURE OF HON'BLE JUDGE
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08.04.2025.

For hearing of bail application.

Mr. Muhammad Noonari, D.P.G.

Complainant Aftab Ahmed is present in person.

ORDER.

MUHAMAD SALEEM JESSAR-J Through instant bail application, applicant Ghulam Ali Gopang, seeks pre arrest bail in Crime No.401 of 2024 registered at Police Station Kamber City, for offence punishable under section 489-F, PPC.

2. At the very outset Mr. Mumtaz Ali Panhwar, advocate holds brief for Mr. Ghulam Ali Abbasi, advocate for the applicant on the ground the latter learned counsel is busy before Service Tribunal Larkana; however, submits the amount involved in this case is Rs.250,000/-, whereas out of the said amount, the applicant has paid Rs.130,000/-to the complainant; besides, the case has been challaned which is now pending for trial before the Court of Civil Judge/JM Kamber, where the matter has been adjourned to 17.04.2025 for evidence. Hence submits that by granting this application, bail may be confirmed. As far as remaining amount is concerned, the applicant shall pay the same to the complainant before the trial Court.

3. Aftab Ahmed Wahocho (complainant) present before the Court, affirms aforesaid contention and submits that the accused has paid Rs.130,000/- while Rs.120,000/- remains to be paid by the applicant.

(4) (5)

Learned D.P.G in view of the above statements made by the parties does not oppose the application.

4. Since amount involved in this case is meager; besides more than half of said amount has been repaid by the applicant to the complainant which has been confirmed by the complainant. Moreover, the offence with which the accused stands charged is compoundable and in case the applicant may pay remaining amount i.e. Rs.120,000/-, the trial Court shall decide fate of the case in the light of settlement effected between the parties. In my considered view and in view of no objection advanced by learned D.P.G and the settlement arrived at between the parties which has been affirmed by the complainant, the case against the applicant requires further enquiry within meaning of subsection (2) of Section 497 Cr.P.C. Consequently, the bail application is hereby allowed. Interim bail granted to the applicant on 16.01.2025 is hereby confirmed on same terms and conditions. The applicant present is directed to continue his appearance before the trial Court till final decision of the main case.

5. A copy of this order shall be communicated to the trial Court through Sessions Judge Kamber over fax today.

6. Needless to mention here that the observations made herein-above are tentative in nature, which shall not prejudice the case of either party at trial.


Judge

M. Young Parthasarathy