

ORDER SHEET
IN THE HIGH COURT OF SINDH CIRCUIT COURT LARKANA
1st Crl. Bail Application No. S- 235 of 2017

DATE	ORDER WITH SIGNATURE OF JUDGE
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1. For orders on office objection 'A'
2. For Hearing of Bail Application

30.10.2017

Mr. Riaz Hussain Khoso, Advocate for the applicants along with applicants.
Miss Rubina Dhamrah, ADPP for the State.

Through instant applicant, the applicants namely, Peeral, Abdul Razzak and Shahzore are seeking their admission to pre-arrest bail in Crime No. 80/2017 registered with Police Station A/Section Mehar (Dadu) for offence under section 506, 338-A, 504, PPC. The case has already been challaned by the police and the same is now pending for trial before the Court of 1st Additional Sessions Judge, Mehar.

2. The allegation against the applicants is that they duly armed with heavy wooden sticks (Danda) and pistol allegedly caused Danda blows on her abdomen as well as kicks and fist blows and she being pregnant started bleeding and due to certain threats with injuries miscarriage happened to her child and therefore, she filed instant F.I.R against the applicants. The applicants preferred their pre-arrest bail application being No.684/2017 before the learned Sessions Judge, Dadu but their request was turn down vide order dated 18.5.2017.

3. Learned counsel for the applicants submits that the applicant Peeral is husband of complainant while applicants Abdul Razak and Shahzore Ali are nephews to him and due to matrimonial disturbances which created misunderstanding between the parties, therefore, the complainant filed instant F.I.R. However due to indulgence of their elders they have settled

their dispute outside the Court resultantly complainant has filed her affidavit before this court on 18.10.2017 thereby she has extended her no objection for grant of bail to the applicants/accused.

4. Learned ADPP states that the complainant is present in person and she has no objection and in view of her no objection she has also conceded to the grant of bail. Complainant present in person heard. She has also confirmed the contention advanced by the learned ADPP for the State.

5. I have heard counsel for the applicant, complainant in person and the learned ADPP for the State and have gone through the material made available on record. Apparently, the parties are husband and wife and the complainant being wife is victim of alleged crime has filed her affidavit whereby she has categorically stated that she has no objection regarding confirmation of bail. The offence with which they have been charged carries two categories of punishment i.e. one carries three years and the second one is for ten years. Per schedule both the offences triable by the Magistrate are compoundable. In order to maintain tranquility between the families particularly when they themselves have buried their hatchets not to linger on the proceedings and the offence being compoundable they would file proper application in terms of Section 345, Cr.PC before the trial Court. No useful or technical purpose will be served to put the applicants behind the bars. Reference can be had from the case of Muhammad Ramzan v. Muhammad Abdullah and others 1986 SCMR 1380 and case of Tarique Bashir & 04 others v. The State PLD 1995 SC 34.

6. In the circumstances and in view of the no objection extended by complainant herself and the learned ADPP for the State, the instant

application is allowed. The interim pre-arrest bail granted to the applicants 59
vide order dated 07.6.2017 is hereby confirmed on the same terms and
conditions. The applicants are directed to join the trial for further
proceedings.


Judge

Abid H. Qazi/**

Matter disposed of / For Direction-

- 1) For order on MA No: 207/19 (U/A)
- 2) For order on MA No: 208/19 (561-A)

- Accountant Report as 'B'

61

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA
1st. Crl. Bail Appln. No.S-235 of 2017.

DATE OF HEARING	ORDER WITH SIGNATURE OF HON'BLE JUDGE
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1. For orders on M.A.No.207/2019.
2. For orders on M.A.No.208/2019.

18.01.2018.

Mr. Riaz Hussain Khoso, advocate for the applicant/surety.

Mr. Sharafuddin Kanher, A.P.G.

1. Urgency granted.
2. Applicant/surety Rasool Bux Solangi, had stood surety for accused 1.Peeral Channa alias Parial, 2.Abdul Razak and 3.Shahzore, who were granted interim bail before arrest by this Court vide order dated 07.06.2017 in FIR No.80/2017 registered at Police Station Mehar, for offences under section 506, 338-A, 504, PPC in Crl. Bail Appln. No.S-235 of 2017. Later interim pre-arrest bail granted to said applicants/accused was confirmed by this Court vide order dated 30.10.2017.

Learned counsel for the applicant/surety mainly contends that the aforesaid applicants/accused, after grant of ad-interim bail joined the trial, and after full-fledged trial, the trial Court acquitted the accused vide judgment dated 09.11.2017. (certified copy of the said judgment is available on file). Since the purpose of surety has been served, he, prays that Solvency Certificate/surety papers furnished by him may be returned.

Learned A.P.G endorsing the contention raised by the surety applicant/surety has recorded his no objection, stating that Solvency Certificate/surety papers furnished as surety is no more required.

In view of the above, the Solvency Certificate No.54/2017 having been furnished as surety by the applicant is ordered to be returned to the applicant/surety on proper verification, attestation and identification. The application stands disposed of.


Judge

As above order complied
18.01.2018