

## IN THE HIGH COURT OF SINDH AT KARACHI

### Criminal Bail Application No.1120 of 2022

Applicants : i. Asad Khan  
ii. Muhammad Saleem  
both sons of Muhammad Iqbal  
Through Syed Suleman Badshah,  
Advocate

Complainant : Muhammad Sami Khan S/o Noor  
Muhammad  
Through Mr. Nasir Rizwan Khan,  
Advocate

Respondent : The State  
Through Mr. Talib Ali Memon  
Asstt. Prosecutor General, Sindh

Date of hearing : 10.08.2023

Date of order : 10.08.2023

### **ORDER**

**AMJAD ALI SAHITO, J** – Through the instant bail application, applicants/accused seek pre-arrest bail in FIR No.166/2022 U/s 302, 324, 34 PPC registered at PS Orangi Town, after their bail has been declined by the learned IInd Additional Sessions Judge, Karachi West vide order dated 21.05.2022.

2. The details and particulars of the FIR are already available in the memo of bail application and FIR, which can be gathered from the copy of FIR attached with the application, hence, needs not to reproduce the same hereunder.

3. Learned counsel for the complainant files an affidavit on behalf of the complainant and states that due to intervention of *naikmard*, they have patched up the matter outside the Court, as such, he would have no objection, if the interim pre-arrest bail of the applicants/accused is confirmed. On the other hand, learned counsel for the applicants submits that since one of the legal heirs of the victim is out of country as such compromise cannot be effected yet; however, their compromise application is pending before the trial Court. He further submits that all the offences are

compoundable and Section 311 PPC is not applicable in this case. Learned APG also raises no objection on the basis of affidavit filed by the learned counsel for the complainant.

4. In view of the above stated position, the instant bail application is allowed. The pre-arrest bail granted to the applicants/accused vide order dated 03.06.2022 is hereby confirmed on the same terms and conditions. Applicants/accused are directed to attend the trial as and when required. However, it is made clear that if the applicants/accused misuse the concession of bail, learned trial Court would be at liberty to take appropriate action.

5. Needless to mention here that the observations made hereinabove are tentative in nature and would not influence the learned trial Court while deciding the case of the applicants on merits.

Kamran/PA

JUDGE