

IN THE HIGH COURT OF SINDH AT KARACHI

Criminal Bail Application No.1131 of 2023
Criminal Bail Application No.1132 of 2023

Applicant : Gul Zada S/o Khan Zada
in both CrI. B.A. Through Saifullah, Advocate

Complainant : Shakeel Ahmed S/o Khanzada
in CrI. B.A. No.1131/2023 Present in person.

Respondent : The State
Through Mr. Siraj Ali Khan, Addl.
Prosecutor General, Sindh

Date of hearing : 09.08.2023

Date of order : 09.08.2023

ORDER

AMJAD ALI SAHITO, J -- Through Bail Application No.1131/2023, applicant/accused seeks post-arrest bail in Crime No.170/2023 registered under Section 302 PPC at PS Peerabad, after his bail plea has been declined by the Additional District and Sessions Judge-XI, Karachi West vide order dated 08.05.2023.

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

3. Learned counsel for the applicant/accused submits that due to intervention of *naikmard* compromise application has been moved before the learned trial Court but on 01.08.2023 no order was passed by the learned Judge on and the matter was adjourned for 07.08.2023. Thereafter, on 02.08.2023, this Court also directed the learned trial Court to decide the aforesaid compromise application. However, on 07.08.2023, the learned Judge was on leave. Learned counsel further submits that the applicant/accused is behind the bar even after the compromise application has been moved, which

might take some more time to decide, as such, the applicant may be enlarged on bail.

4. On the other hand, Complainant Shakeel Ahmed S/o Khanzada holding CNIC No.42401-6521785-7 present in person submits that the deceased was his real brother; however, he confirms that all his brothers have filed the compromise application before the learned trial Court and submits that until and unless compromise application is decided, he would not have any objection for grant of post-arrest bail to the applicant. Learned Addl. P.G. submits that the offence is compoundable and all the brothers have filed affidavit and raised no objection for grant of bail.

5. I have heard the learned counsel for the parties and perused the material available on record.

6. Admittedly, the offence in which the applicant has been booked is compoundable and all the legal heirs have filed their affidavit so also compromise application before the trial Court. Further, this case does not fall in Section 311 PPC, as such, the instant bail application is allowed. Applicant/accused named above is granted post-arrest bail subject to his furnishing solvent surety in the sum of Rs.50,000/- (Rupees fifty thousand only) and PR bond in the like amount to the satisfaction of the learned trial Court.

7. So far as the CrI. Bail Application No.1132/2023 is concerned, the applicant/accused also seeks post-arrest bail in Crime No.173/2023 U/s. 24 Sindh Arms Act registered at PS Peerabad. Since in the main case, the applicant/accused has been enlarged on bail as such this is also one of the cases of further enquiry. Resultantly, this bail application is also allowed. Applicant/accused named above is granted post-arrest bail subject to his furnishing solvent surety in the sum of Rs.50,000/- (Rupees fifty thousand only) and PR bond in the like amount to the satisfaction of the learned trial Court.

8. 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 applicant/accused on merits.

JUDGE

Kamran/PA