

**ORDER SHEET**  
**IN THE HIGH COURT OF SINDH AT KARACHI**

Crl. Bail Application No. 1863 of 2024

---

*Date*

*Order with Signature of the Judge*

---

**20<sup>th</sup> September, 2024.**

Applicants : Saifal son of Ishaque, Mashooq son of Saifal & Ayub  
Son of Yaqoob through Mr. Dur Muhammad Mallah,  
Advocate a/w applicants on bail.

Complainant: Dil Murad son of Muhammad present in person.

The State : Ms. Rubina Qadir, Deputy Prosecutor General, Sindh.

Dated : 20<sup>th</sup> September, 2024.

**ORDER**

**Muhammad Saleem Jessar, J.**- Through instant bail application the applicants Saifal son of Ishaque, Mashooq son of Saifal & Ayub son of Yaqoob seek their admission on pre arrest bail in Crime No. 363/2024 registered with Police Station Sukhan under sections 380/457/34 PPC. The applicants have approached court of Sessions for anticipatory bail vide Crl. Bail Application No. 3191 of 2024 however, it was assigned to learned VIIIth Additional Sessions Judge Malir Karachi, who after hearing the parties has declined the request vide order dated 19.07.2024. Hence this application.

2. Record shows that vide order dated 19.08.2024 applicants were admitted to ad-interim pre-arrest bail and today the same is fixed for confirmation of said order or otherwise.

3. At the very outset, learned counsel for the applicants submits that due to intervention of people of vicinity, parties have patched up outside the court, therefore, complainant Dil Murad son of Muhammad has no objection if the interim pre arrest bail earlier granted to the applicants is confirmed.

4. The complainant Dil Murad son of Muhammad, having CNIC No. 41406-1138544-7, is present in court also affirms the above statement of learned counsel

for applicant and submits that he has no objection to grant of instant bail application. He has also placed before the court affidavit of no objection duly sworn-in by him in the office, which is hereby taken on record.

5. Learned Deputy Prosecutor General, Sindh submits that since the offences with which the applicant stands charged is not compoundable and the no objection extended by victim/complainant has no force, hence in view of above position she does oppose this application.

6. Heard arguments and perused the record. It need not to be iterated that much legal and religious sanctity is attached to the principle of "*Sulh*", which has been appreciated by our religion, by directing the mankind to reach at amicable settlement for their future cordial relations. Since the parties have settled their differences outside the court, hence non-compoundability of the offence will not intercept the way to withhold concession of bail. Reference can be had from the case of *Ashique Ali V/S The State (PLD 2008 Karachi 420)*.

7. Moreover, the offence with which applicant stands charged, is involving punishment which does not exceed limits of prohibitory clause of section 497 Cr.P.C; besides, case is being tried by the Court of Judicial Magistrate where after recording evidence of the parties, if prosecution may succeed to prove its charge against the applicant even then punishment of more than three years cannot be visualized. Reliance can be placed upon the case of *MANZOOR ALI alias MUMTAZ Versus THE STATE (2001 P.Cr.L.J 344)*. Accordingly and in view of dicta laid down by the Hon'ble Supreme Court of Pakistan in case of *MUHAMMAD TANVEER Versus The STATE and another (PLD 2017 SC 733)*, case against the applicant requires further inquiry in terms of subsection (2) to section 497 Cr.P.C. Consequently, instant application is hereby allowed. Interim pre-arrest bail granted earlier to the applicants vide order dated 19.08.2024 is hereby confirmed on same terms and conditions.

8. The applicants shall continue his appearance before the trial court till final decision of the main case. The trial court is directed to expedite the trial and conclude it within shortest possible time under intimation to this court through MIT-II. Let copy of this order be facsimiled to learned Session Judge Malir Karachi for compliance. Learned MIT-II to ensure compliance.

\*Aamir/PS\*

JUDGE