IN THE HIGH COURT OF SINDH AT KARACHI

Criminal Bail Application Nos.3738 & 3739 of 2026

Applicant in B.A. No.3738/26	:	Muhammad Tariq son of Hussain Khan
Applicant in B.A. No.3739/26	:	Muhammad Tahir son of Hussain Khan *Through* Mr. Muhammad Bilal Rashid, Advocate.
Respondent	:	The State *Through* Mr. Muhammad Mohsin Mangi, Assistant Prosecutor General Sindh.
Date of hearing	:	13.11.2026
Date of Order	:	13.11.2026

O R D E R

KHALID HUSSAIN SHAHANI, J. **-** Applicants Muhammad Tariq and Muhammad Tahir seek post-arrest bail in a case bearing Crime No.436/2026, of PS SITE-A, Karachi, for offence under Sections 324/34, PPC, following dismissal of their bail plea by the learned Sessions Judge, Karachi West, vide order dated 30.10.2026.

2. Briefly, the prosecution alleges that the applicants, accompanied by others, arrived at the complainant's hotel, where applicant Muhammad Tariq, after taking a pistol from his brother, co-applicant Muhammad Tahir, fired at the complainant, causing a firearm injury to the upper anterior portion of his left thigh, whereafter the accused fled.

3. Learned counsel for the applicants contends that the parties have amicably resolved their dispute, whereof the complainant has furnished an affidavit expressly conveying his no-objection to the grant of bail. He further submits that the applicants have remained incarcerated since their arrest and are no longer required for investigation. Learned Assistant Prosecutor General, confronted with the complainant's affidavit, does not oppose the applications.

4. Heard. The accusation, though involving a firearm injury, falls under Section 324, PPC, which is compoundable in accordance with Section 345, Cr.P.C., subject to fulfillment of the prescribed legal requirements. Significantly, the complainant has voluntarily placed on record an affidavit

acknowledging amicable settlement and expressly consenting to the applicants' release on bail. Although such affidavit does not, by itself, constitute lawful compounding or entail acquittal, it nevertheless represents a material subsequent circumstance relevant to the exercise of judicial discretion at the bail stage. The distinction between an amicable settlement and its formal recognition under Section 345, Cr.P.C., cannot be overlooked. In this context, reference may be made to 2020 MLD 1873 and PLD 2016 SC 347. The applicants are already in judicial custody, their further detention has not been shown to serve any investigative purpose, and the prosecution has raised no objection to their release. In the cumulative circumstances, continued incarceration would serve no useful purpose.

5. Consequently, both applications are allowed. Applicants Muhammad Tariq and Muhammad Tahir are admitted to post-arrest bail, subject to furnishing solvent surety in the sum of Rs.50,000/- each, with P.R. bonds in the like amount, to the satisfaction of the learned trial Court.

6. The parties shall be at liberty to seek formal compounding before the learned trial Court in accordance with Section 345, Cr.P.C., which shall independently examine its legality, voluntariness and legal consequences. The complainant's no-objection has been considered solely for the purpose of bail and shall not be construed as judicial acceptance of the compromise for purposes of acquittal.

7. Needless to observe, the foregoing assessment is purely tentative and shall not prejudice the merits of the case at trial.

J U D G E

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