

**IN THE HIGH COURT OF SINDH CIRCUIT COURT
HYDERABAD**

Criminal Bail Application No.S-1157 of 2025

Applicant : Muhammad Umar through Mr. Aijaz Ali Bhutto, Advocate.

Complainant : Mr. Abdul Aziz, Advocate file power on behalf of complainant Karam Khan which is taken on record.

State : Through Mr. Altaf Hussain Khokhar, D.P.G.

Date of Hearing : 24.11.2025

Date of Order : 24.11.2025

O R D E R

ARSHAD HUSSAIN KHAN, J :- Through the instant Cr. Bail application, the applicant/accused seeks pre-arrest bail in Crime No.94 of 2025 registered at Police Station Daulatpur under Section 395, 452, 337-H(ii) PPC. Earlier, the applicant/accused had approached the trial Court by filing Cr. bail application No.1748 of 2025 but the same was dismissed vide order dated 15.09.2025.

2. The details and particulars of the FIR are already available in the bail application, and the same may be gathered from the copy of the FIR attached to this application. Hence, there is no need to reproduce them here.

3. At the outset, learned counsel for the complainant submits that due to intervention of Nek-Mards of locality, the parties have compromised outside the Court, as such, recorded his no objection to the grant of bail to the applicant/accused.

4. On the other hand learned D.P.G states that the offence, with which the applicant stands charged is not compoundable, as such, has opposed to the grant of bail to the applicant/accused.

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

6. From the record it appears that the allegation against the applicant is that he along with co-accused allegedly robbed two leelam gold, one gold rind, four gents suits, six ladies suits and

cash amount of Rs.50,000/- from the complainant party and the sections with which the applicant stands charged are not compoundable however, reliance in this regard can be placed from the case of Muhammad Arshad & others v. The State reported as 2008 MLD 1079, wherein the Honourable Supreme Court has held as under:-

"Offences of dacoity under S.395, P.P.C. as well as dishonestly receiving stolen property in the commission of a dacoity in S.412, P.P.C., though did not find mention in the present table given in S.345(1), Cr.P.C. and were not compoundable, but in the present case parties had themselves voluntarily forgotten and forgiven the alleged crime and had entered into an outside court settlement--- Said settlement could be considered as a ground for the grant of bail in the interest of justice and equity---Judicial notice of a compromise having taken place could be taken even in offences which were not compoundable---As no allegation was of committing Dacoity by accused persons and the charge against them was about recovery recovering stolen property in a dacoity, the guilt of accused persons was a matter of further inquiry within the meaning of S.497(2), Cr.P.C. Challan had already been sent in the court for trial---No useful purpose would be served by keeping accused in jail as they were no more required to the police for the purpose of investigation".

7. In view of the no objection extended by learned counsel for the complainant and for the reasons mentioned hereinabove, instant Cr. Bail Application is allowed. Resultantly the interim pre-arrest bail granted to the applicant vide order dated 23.09.2025, is hereby confirmed on same terms and conditions.

JUDGE

Hafiz Fahad