

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD.
Crl. Appeal No.S – 104 of 2014

DATE	ORDER WITH SIGNATURE OF JUDGE
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For hearing of MA-5433 of 2016.

27.11.2020.

Mr. Aijaz Ahmed Shaikh Advocate, Advocate for
applicant.

Ms. Rameshan Oad, Assistant Prosecutor General Sindh.

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The facts in brief necessary for disposal of instant application is that the applicant on trial was found guilty for offence punishable u/s 320 PPC and 337-G PPC and was convicted and sentenced to undergo R.I for ten years and two years respectively with payment of *Diyat* to the legal heirs of deceased Muhammad Hassan and PW Muhammad Essa by learned Sessions Judge, Badin vide his judgment dated 10.09.2014 which is impugned by the applicant before this Court which is admitted to Regular hearing and in the meanwhile the applicant has sought for suspension of the operation of impugned judgment and his release on bail by way of listed application.

It is contended by learned counsel for the applicant that the applicant has been convicted and sentenced for bailable offences; he has already undergone the substantive sentence of his imprisonment and is in jail materially for non-payment of *Diyat* money and hearing of his appeal is not possible in near future. By contending so, he sought for suspension of the operation of the impugned judgment and

release of the applicant on bail. In support of his contention he relied upon cases of *Shah Hussain vs the State (PLD 1995 Karachi 209)* and *Khan Muhammad Mahar vs the State (2003 SCMR 22)*

Learned A.P.G for the State has recorded no objection to release of the applicant on bail pending disposal of his appeal.

I have considered the above arguments and perused the record.

The applicant has been convicted and sentenced for bailable offences; he has already undergone the substantial sentence of his imprisonment; he materially is in jail on account of non-payment of *Diyat* money to the legal heirs of the deceased and injured; hearing of his appeal obviously would take further time; therefore, the operation of impugned judgment is suspended. Consequently, the applicant is ordered to be release on bail subject to his furnishing surety in sum of Rs.100,000/- and PR bond in the like amount to the satisfaction of Additional Registrar of this Court.

The listed application is disposed of accordingly.

JUDGE.