

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD.
Crl. Appeal No.S – 33 of 2021

DATE	ORDER WITH SIGNATURE OF JUDGE
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For hearing of MA-1371 of 2021.

16.03.2021.

Mian Taj Muhammad Keerio, Advocate for the
applicants.

Ms. Safa Hisbani, A.P.G for the State

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The applicants for an offence punishable u/s 322 PPC for committing Qatl-bis-Sabab of Mukesh Kumar and Sht.Bekhi were convicted and sentenced to pay '*Diyat*' for both deceased at Rs.27,77,353/-each to the legal heirs of said deceased, installments for period spreading over five years by learned Additional Sessions Judge-I/Model Criminal Trial Court Umerkot vide his judgment dated 10.02.2021, which is impugned by the applicants before this Court by preferring an appeal. It has been admitted to regular hearing and in the meanwhile the applicants have sought for suspension of the operation of the impugned judgment and their release on bail pending disposal of their appeal.

It is contended by learned counsel for the applicants that they are in custody only for want of payment of '*Diyat*' money; therefore, they are entitled to be released on bail pending disposal of their appeal.

Learned A.P.G for the State has opposed to release of the applicants on bail by contending that they will have to pay the '*Diyat*' money first.

I have considered the above arguments and perused the record.

The applicants are in custody for want of payment of '*Diyat*' money, the appeal preferred by them is likely to take time for its hearing. There is nothing in law which may conditioned release of the applicants on bail after payment of '*Diyat*' money; therefore, the operation of impugned judgment is suspended. Consequently, the applicants are ordered to be released on bail subject to their furnishing surety in sum of Rs. 100,000/-each and PR bond in the like amount to the satisfaction of learned Additional Registrar of this Court.

The listed application is disposed of accordingly.

JUDGE.