

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT,
HYDERABAD

Criminal Appeal No.S-01 of 2020

DATE	ORDER WITH SIGNATURE OF JUDGE
	1. For hearing of M.A. No.61/2020.
	2. For hearing of case.

05.07.2021.

Mr. Ghulam Asghar Mirbahar, advocate for appellant.
Mr.Shabeer Hussain Memon, Advocate for the complainant.
Ms. Sana Memon, Assistant Prosecutor General, Sindh.

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Heard arguments.

The appellant for an offence punishable u/s 324 P.P.C for causing fire shot injuries to Mst. Husna with intention to commit her murder was convicted and sentenced to undergo R.I for seven years and to pay fine of Rs.50,000/- and Daman of Rs.20,000/- to the complainant and in case of default whereof to undergo S.I. for six months with benefit of section 382(b) Cr.P.C by learned IVth Additional Sessions Judge Daduide his judgment dated 12.12.2019, which is impugned by the appellant before this Court by preferring the instant Crl.Appeal which has already been admitted to its regular hearing. In the meanwhile, the appellant by way of listed application u/s 426 CrPC has sought for suspension of the operation of impugned judgment and his release on bail pending disposal of his appeal.

It is contended by learned counsel for the appellant that the disposal of the appeal of the appellant is likely to take time and he has already undergone half of his punishment, therefore, the

appellant is entitled to be released on bail by suspending the operation of the impugned judgment.

Learned Assistant Prosecutor General and learned counsel for the complainant have however opposed to release of the appellant on bail by contending that the appellant has attempted to commit death of an innocent lady.

I have considered the above arguments and perused the record.

The appellant as per jail roll furnished on 26.05.2021 has already undergone 02 years and 26 days of the substantial sentence besides this he has also earned remission for about 01 year 06 months and 11 days. In that way, appellant approximately has already undergone half of his punishment. The hearing of the appeal of the appellant has already taken sufficient time and there is no likelihood of its disposal in near future, therefore, while relying upon case of *Makhdoom Javed Hashmi Vs. The State [2007 SCMR 1844]*, the operation of impugned judgment is suspended, consequently the appellant is ordered to be released on bail subject to his furnishing surety in sum of Rs.50,000/- and P.R bond in the like amount to the satisfaction of Additional Registrar of this Court.

The listed application is disposed of accordingly.

Judge