

ORDER SHEET
IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR

Crl. Appeal No. S-01 of 2015

(Irsahd Thebo & others vs. The State)

DATE	ORDER WITH SIGNATURE OF JUDGE
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1. For hearing of MA No. 10/2015 (426 Cr.P.C)
2. For hearing of MA No. 2342/2015. (426 Cr.P.C)
3. For hearing of main case.

19-02-2024.

Mr. A.R Faruq Pirzada, advocate for the appellants.
Mr. Ghulam Shabbir Shar, advocate for the complainant.
Syed Sardar Ali Shah Rizvi, Additional P.G General.

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It is alleged that the appellants Irsahd, Imtiaz and Altaf with rest of the culprits after having formed an unlawful assembly and in prosecution of its common object committed murder of Dhani Bux by causing him fire shot injuries, for that they were booked and reported upon by the police. On conclusion of trial, they were convicted under section 302 (b) PPC and sentenced to undergo imprisonment for life and to pay fine of Rs. 300,000/- (three lacs) each and in default in payment whereof to undergo simple imprisonment for six months with benefit of section 382 (b) Cr.P.C by learned IInd Additional Sessions Judge, Khairpur vide judgment dated 24-12-2014, which is impugned by the appellants before this Court by preferring the instant Crl. Appeal and in the meanwhile by way of listed applications have sought their release on bail by suspending the operation of the sentence awarded to them.

It is contended by learned counsel for the appellants that the appellants in collusive of remission have already undergone more than 21 year of the sentence and their appeal is not being disposed of for one or other reason; therefore, they are entitled to be released on bail on point of hardship and delay in disposal of their appeal, which is opposed by learned APG for the State and learned counsel for the complainant by contending that the disposal of the appeal would take no time.

Heard arguments and perused the record.

Admittedly the appellants in-collusive of remission have remained in jail for more than 21 years and hearing of their appeal is likely to take more time because of heavy pendency; therefore while relying upon case of *Makhdoom Javed Hashmi Vs. The State (2007 SCMR 1844)* the operation of the sentence awarded to the appellants is suspended; consequently they are directed to be released on bail, subject to their furnishing surety in sum of **Rs.200,000/- (Rs. Two lac)** each and PR bond, in the like amount to the satisfaction of Additional Registrar of this Court.

Listed applications are disposed of accordingly.

To be fixed after four weeks, for hearing of main appeal.

J U D G E