

Order Sheet
IN THE HIGH COURT OF SINDH,
BENCH AT SUKKUR

Crl. Jail Appeal No.D-28 of 2012

Date of hearing	Order with signature of Judge.
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Appl in d/o case
For hearing of MA 988/2023

28-03-2024

Mr. Rukhsar Ahmed Junejo, Advocate for appellant.
Syed Sardar Ali Shah, Additional P.G.

By means of listed application, appellant seeks his release on the ground that the only minor/legal, namely, Aurangzeb alias Junaid Ali, whose Diyat amount, he was required to deposit in terms of order dated 25.10.2017, whereby compromise applications were allowed and he was ordered to be released on payment of such Diyat amount, has become adult and has filed an affidavit stating that he has forgiven the appellant in the name of Almighty ALLAH and has also waived the share of his Diyat amount as ordered by this Court. He has appeared in Court and has reiterated contents of his affidavit and re-asserted the fact of compounding the offence with the appellant and forgiving him in the name of Almighty ALLAH.

Learned APG has recorded objection.

Record reflects that compromise has already been accepted by this Court vide order dated 25.10.2017 in which the appellant's release from jail was made subject to his depositing the Diyat amount of the minor. The appellant is in jail on account of non-payment of Diyat amount, required to be deposited in 36 equal installments with half amount paid at the time of his release. However, since the very minor whose Diyat amount, appellant was required to deposit, has attained the age of majority and has forgiven him does not claim Diyat Amount and has stated that he has no objection to the release of appellant on account of compounding the offence and compromise. The bar of

depositing share of Diyat amount has been overcome and there is no impediment in release of the appellant on the basis of compromise already accepted by this Court. Accordingly, listed application is **allowed** and the appellant shall be released forthwith, if not required in any other custody case.

The application is **disposed of**.

JUDGE

JUDGE

Ahmad