

# IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

**CrI. Misc. Appl. No. S-74 of 2024**

DATE OF HEARING	ORDER WITH SIGNATURE OF JUDGE
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1. For orders on MA No. 1580/2024 (U/A)
2. For orders on MA No. 1168/2024 (Restoration)

**02.04.2024**

Mushtaque Ahmed applicant in-person

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1. Urgency allowed.
2. Heard applicant in-person. The grounds mentioned in the restoration application require consideration, therefore restoration application (CMA No. 1168/2024) stands allowed and the matter is restored to its original position.

It is contended by applicant that learned trial Court has passed impugned order by violating the law and the material available before it has not been appreciated properly.

On the other hand learned Addl. P.G supported the impugned order and prayed for dismissal of instant CrI. Misc. Application.

Heard applicant in-person, learned Addl. P.G and have perused the material available on record with their able assistance.

From the perusal of impugned order it appears that the learned trial Court by considering the following reasons allowed an application U/S 426 Cr.PC filed by respondent No.2 Haneefullah which are as under:-

*“Since the sentence awarded to the appellant was short-one and the appeal shall take time for its disposal, hence while taking guideline from the case law reported in 1995 SCMR 2589 (Supreme Court of Pakistan). I allow instant application U/S 426 Cr.PC and sentence is hereby suspended. The applicant/convict may be released on bail, subject to furnishing solvent surety in the sum of Rs.100,000/- with PR bond in the like amount for the satisfaction of this Court”*

The learned trial Court has discussed each and every aspect of the case and passed impugned order in accordance with law which is speaking one, thus does not require any interference. No illegality or any infirmity has been committed by the learned trial Court while passing the impugned order. Under such circumstances, the impugned order is hereby maintained and instant CrI. Misc. Application stands dismissed.

**J U D G E**