

ORDER SHEET

IN THE HIGH COURT OF SINDH, KARACHI

CR. APPEAL NO.375 OF 2025

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Date

Order with Signature(s) of Judge(s)  
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- 1 FOR HEARING OF MAIN CASE
2. FOR ORDERS ON MA. NO.8021/2025

**05.06.2025**

Syed Sara Kanwal, advocate for the appellant.  
M/s. M. Iqbal Awan & Zahoor Shah Addl. P.Gs.  
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1. Shehroz son of Muhammad Saeed was convicted and sentenced by the VIth Additional Sessions Judge, Karachi East vide judgment dated 07.05.2025 in Case No.1938 of 2023 arising out FIR No.180 of 2023 for offence under Section 320/279/322 PPC, registered at P.S. Shahrah-e-Faisal, Karachi.

Appeal is within time. Appeal is statutory right of the appellant. Admit to regular hearing. Call for R&Ps. Let the paper book be prepared. Notice to Prosecutor General Sindh, Karachi. Both the Additional Prosecutor General Sindh, present in court waived the notice.

2. This is an application under Section 426, Cr.P.C. praying therein to set aside the impugned judgment dated 07.05.2025 and to acquit the appellant. Learned counsel for appellant has vehemently argued that there are material contradictions in the evidence. She has also pointed out that the findings of the learned Judge was to convict and sentence the appellant for offence under Section 265-H(ii) Cr.P.C. and sentenced under Section 320 PPC to suffer rigorous imprisonment for two years, besides he is also liable to pay Diyat to

the legal heirs of the deceased Habib Baloch amounting to Rs.8,103,955/= and in default thereof he shall remain in the prison till the final realization of the Diyat amount. Learned counsel further states that there is lesser punishment involved, therefore, requirement of Section 426, Cr.P.C. are fulfilled and the offence under which appellant is charged is bailable. However, both the learned Addl. P.Gs. state that the offence may be bailable, but until Diyat amount is secured, release of the appellant may cause apprehension of his abscondence. In response to the same, learned counsel for the appellant states that the appellant is ready to furnish equal Diyat amount by depositing title documents which can be verified by the Nazir of this Court and in case of dismissal of instant appeal or abscondence of appellant, the security for Diyat amount as mentioned above shall stand confiscated in favour of legal heirs of the deceased to satisfy the Diyat amount. Both the counsel appearing for the State in response to the above proposal have extended their No Objection for the grant of bail under Section 426, Cr.P.C. as the sentence is lesser having two years and, learned counsel for the State relied upon the case law reported 1999 SCMR 2589 with respect to issue of short punishment/sentence. No Objection extended by the learned Addl.P.Gs. and the lesser punishment of two years, so also in view of securing the Diyat amount by the appellant in favour of legal heirs of the deceased.

In view of the above, the application under Section 426, Cr.P.C. stands allowed and appellant be released strictly in the above terms and additionally upon furnishing solvent surety in the

sum Rs.50,000/= (Rupees Fifty Thousand only) with P.R. Bond in the like amount to the satisfaction of Nazir of this Court.

It is specifically recorded that this order shall come into effect once the Diyat amount of Rs.8,103,955/= in favour of legal heirs of the deceased is fully secured after due verification of the security in the form of title documents of a valuable property with the Nazir of this Court, and such report be kept on record as part and parcel of this appeal, till final decision of instant appeal.

JUDGE

MUSHARRAF ALI