

IN THE HIGH COURT OF SINDH KARACHI

Before:

Justice Muhammad Saleem Jessar
Justice Nisar Ahmed Bhanbhro

CP No.D-6229 of 2025

(Muhammad Murad v. Federation of Pakistan and 3 others)

Mr. Raj Ali Wahid Kunwar, Advocate for the Petitioner

M/s. Hakim Ali Shaikh Additional Advocate General
and Sagheer Ahmed Abbasi Assistant Advocate
General, Sindh

Ms. Seema Zaidi, Additional Prosecutor General, Sindh

Ms. Zaharah Sahar Vayani, Assistant Attorney General

Mr. Yousifuddin, Deputy Superintendent, Central
Prison

Date of hearing and order: **11.02.2026**

ORDER

NISAR AHMED BHANBHRO, J. Through this petition, the petitioner claims following relief(s):-

"I. Direct Respondent No. 2 and his sub-ordinates to exercise their authority and power and grant/extend all remissions earned by the Petitioner during his sentence, these total to be 7 years 10 months (ordinary remissions) and 3 years 6 months (educational remissions)

II. Direct Respondents No. 1 and 4 to grant/extend all remissions as earned under The Sindh Prisons & Corrections Services Rules 2019 & Sindh Prison and Corrections Services Act 2019 fully for the confinement period of the Petitioner

III. Direct Respondent No.2 and his sub-ordinates to post up all remissions as mentioned in the Petition along with others not posted up in the History Tickets/Remission Charts of the confined souls

IV. Order the Jail Authorities to release the Petitioner immediately and report compliance instantly

V. Any other relief which this Honorable Court may deem fit and proper in the circumstances of the case for the sake of justice."

2. Learned counsel for the petitioners submits that the petitioner has served for more than thirteen years as a substantive sentence and about a period of 4216 days on account of remission earned by him. He submits that the petitioner is a lifer and the sentence served by him is more than fifteen

years. He, therefore, prayed that this petition be allowed and respondents be directed to release the petitioner.

3. Learned Additional Advocate General, Additional Prosecutor General, Sindh and Assistant Attorney General have opposed the petition and contended that the petitioner is a lifer, therefore, was mandatorily required to serve fifteen years of substantive sentence and the remission earned by him cannot shorten the said period. They prayed for dismissal of the petition.

4. Heard arguments of the parties and perused the material available on record.

5. Evidently, the petitioner was convicted for a death sentence and sentence was converted to life by orders of this Court vide judgment dated 04.12.2018. He was convicted for life imprisonment on two counts; however, the sentences were ordered to run concurrently. Under the provisions of the Sindh Prisons & Correction Service Rules, 2009, the minimum period of sentence for life is fifteen years. Rule 791 being relevant is reproduced below:

“791. Extent of total remission.

(1) The total remission both ordinary and special awarded to a prisoner under these rules other than remission for donating blood awarded under rule 785, and surgical sterilization under rule 786 and for passing an examination under rule 787, shall not exceed one-third of his sentence; provided that Government may grant remission beyond the one-third limit.

(2) Remission, both ordinary and special, earned by a life shall be so much that a sentence of imprisonment for life is not shortened to a period of imprisonment less than fifteen years.”

6. From perusal of the above rule, it transpires that the remission earned by the convictee cannot shorten the substantive period of fifteen years of sentence for life and admittedly, the petitioner has remained in jail for a period of thirteen years and ten months is substantive sentence. No doubt, the petitioner has earned remissions if counted towards his sentence, it will become more than fifteen years but for the purpose of computation of the sentence of imprisonment for life, the substantive period is fifteen years. Learned counsel for the petitioner has relied upon Rules 787, 788 and 789 the Sindh Prisons & Correction Service Rules, 2009, which provide for remissions which per learned counsel for the petitioner the petitioner has earned on account of blood donating and educational examination but the

said remission will not bring the case of the petitioner outside the purview of Rule 791.

7. In identical situation, learned Division Bench of this Court at Sukkur in CP No.D-1474 of 2019 vide Judgement dated 25.09.2025 has been pleased to hold that:

“23. For the reasons detailed above, we conclude that the release of Respondent No.5 after serving roughly less than thirteen years of his life sentence was premature and unlawful. It contravened explicit legal requirements and binding precedents. The special remissions granted by the President of Pakistan (to the extent of about nine years) were valid under Article 45 of the Constitution and have been duly credited to the convict. However, the further remissions engineered by the jail authorities to facilitate Respondent No.5’s early release find no support in law. Such remissions, which reduced the actual custodial period below fifteen years, were a nullity and incapable of altering the sentence of life imprisonment. The net result is that Respondent No.5’s sentence remained unserved to the extent of the period improperly remitted. His release, therefore, was based on an erroneous assumption of sentence completion.”

8. For the aforementioned reasons, the petitioner failed to demonstrate that his fundamental rights were infringed in any manner. This petition, therefore, fails and is accordingly dismissed.

JUDGE

JUDGE
HEAD OF CONST. BENCHES

Nadir*

Approved for reporting