

ORDER SHEET
IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR
Crl. Jail Appeal No. D-58 of 2015.
C.P. No.D- 3581 of 2016.
C.P. No.D- 3786 of 2016.
C.P. No.D- 3787 of 2016.
C.P. No.D- 3788 of 2016.
C.P. No.D- 3789 of 2016.

DATE OF HEARING	ORDER WITH SIGNATURE OF JUDGE.
-----------------	--------------------------------

For Regular Hearing.

Present:
Mr. Justice Abdul Rasool Memon &
Mr. Justice Aftab Ahmed Gorar.

Mr. Saeed Jamal Lund Advocate for appellants in all matters a/w appellant Gulsher Lund.
Mr. Zulfiqar Ali Jatoi, Additional Prosecutor General.

Date of hearing: 17-08-2017.
Date of Judgment: 17-08-2017.

J U D G M E N T

Aftab Ahmed Gorar J., Crl. Jail Appeal No. D-58 of 2016 (filed by appellants Ali Gohar and others), and above petitions filed by appellants Jinsar and Ali Gohar seeking their release on bail after suspension of operation of impugned judgment are being decided by this single judgment due to commonality of the impugned judgment dated 01.07.2015, passed by learned Judge, ATC, Khairpur, whereby appellants were convicted and sentenced as follows:

- i. U/s 324 PPC r/w section 149 PPC in crime No.186/2011, appellants were sentenced to R.I for 10-years each and fine of Rs.50,000/- each and in default to suffer R.I for 06-months.
- ii. U/s 353 PPC r/w section 149 PPC, appellants were sentenced to R.I for 02-years.

- iii. U/s 427 PPC r/w section 149 PPC, appellants were sentenced to R.I for 02-years each and fine of Rs.10,000/- each and in default to suffer R.I for 02-months.
- iv. U/s 324 PPC r/w section 149 PPC in crime No.192/2011, appellants Ali Gohar alias Gohar and Jinsar Ali Lund were sentenced to R.I for 10-years each and fine of Rs.50,000/- each and in default to suffer R.I for 06-months.
- v. U/s 353 PPC r/w section 149 PPC, appellants Ali Gohar alias Gohar and Jinsar Ali Lund were sentenced to R.I for 02-years.
- vi. U/s 13(d) A.O in crime No. 193/2012, appellant Ali Gohar alias Gohar was sentenced to suffer R.I for 07-years and to pay fine of Rs.20,000/- and in case of default to suffer R.I for 02-months.
- vii. U/s 7(b) of ATA, 1997, all the appellants were convicted to suffer R.I for 10-years and fine of Rs.50,000/- each and in default to suffer R.I for 06-months.
- viii. All the sentences were ordered to run concurrently with benefit of section 382-B CrPC was extended to the appellants.

2. It is, inter alia, contended by learned counsel for the appellants that appellants are previous non-convicts and they are sole bread earners of their families. Learned counsel for appellants expressed his readiness not to press the instant appeal on merits if the sentence of the appellants is reduced to that of already undergone as the appellants have served out their major portion of sentence in jail and they may be given a chance in their life to rehabilitate themselves.

4. Learned Additional P.G did not oppose the submissions raised by learned counsel for appellants. On court query, he admitted that appellants are not previous convicts

5. Per jail rolls dated 17.8.2017, appellant Ali Gohar alias Gohar has served out his sentence for 06-years, 06-months and 04-days with remission earned by him is 05-months and 04-days. Appellant Ghulam Abbas alias

Bajoo has also served out his sentence for 05-years and 09-months with remission earned by him is 09-months. Appellant Ghulam Nabi has also served out his sentence for 04-years, 08-months and 02-days with remission earned by him is 05-months and 09-days. Appellant Jinsar Ali has also served out sentence for 04-years, 01-month and 28-days with remission of 05-months and 27-days while appellant Gulsher has also served out his sentence for 02-years, 07-months and 25-days with remission of -02-months, which is substantial portion of sentence.

6. In view of above facts and circumstances of the case and in order to give a chance to the appellants in their life to rehabilitate themselves so also while following the dictum laid down in case of **Niaz-ud-Din v. The State (2007 SCMR 206)**, while dismissing the instant Crl. Jail Appeal, we are persuaded to reduce the sentence of appellants to that of already undergone including the sentence of fine amount. Appellants Ali Gohara alias Gohar, Ghulam Abbas alias Bajoo, Ghulam Nabi and Jinsar Ali are behind bars. They be released forthwith, if they are not required in any other case, whereas, appellant Gulsher Lund is present on bail. His bail bond stands cancelled and surety discharged. Office is directed to return surety documents to the surety after proper verification and identification.

7. The above listed constitution petitions seeking suspension of sentence by releasing the appellants Jinsar Ali and Ali Gohar alias Gohar on bail stand dismissed as not pressed being infructuous.

JUDGE

JUDGE