

ORDER SHEET
IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR
Criminal Appeal No. S-160 of 2018
(*Nadir Almani & others vs. The State*)

DATE	ORDER WITH SIGNATURE OF JUDGE
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- 1. For hearing of MA No. 947/2024 (426 Cr.P.C)
- 2. For hearing of main case.

26-03-2024.

Mr. Rukhsar Ahmed Junejo, advocate for the appellants.
Mr. Gulmir Jatoi, advocate for the complainant.
Syed Sardar Ali Shah Rizvi, Additional P.G for the State.
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Appellants Nadir, Nazeer Ahmed and Shabbir, on conclusion of trial were convicted u/s 302 (b) PPC and sentenced to undergo imprisonment for life and to pay fine of Rupees one lac to be paid to the legal heirs of the deceased as compensation and in default in payment whereof to undergo simple imprisonment for six month with benefit of section 382 (B) Cr.P.C by learned Ist Additional Sessions Judge, Sukkur vide judgment dated 04-12-2018 which they have impugned before this Court by preferring a criminal appeal, during pendency whereof, appellant Nadir was released from jail on completion of his jail terms while appellants Nazeer Ahmed and Shabbir by way of listed application have sought for their release on bail by suspending the operation of sentence awarded to them.

It is contended by learned counsel for the appellants that inclusive of remission the appellants have already undergone 23 years of the imprisonment and there is no likelihood of early disposal of their appeal because of heavy pendency; therefore, they are entitled to be released on bail by suspending the operation of impugned sentence, which is not opposed by learned Additional P.G for the State; however, learned counsel

for the complainant has opposed the release of the appellants on bail by contending that the hearing of their appeal would take no time.

Heard arguments and perused the record.

As per jail roll the appellants inclusive of remission have already undergone 23 years of the sentence and hearing of their appeal is likely to take more time. It is the case of hardship; therefore, while relying upon case of *Makhdoom Javed Hashmi Vs. The State (2007 SCMR 1844)*, the operation of sentence awarded to the appellants is suspended; consequently they are directed to be released on bail, subject to their furnishing surety in sum of **Rs.200,000/- (Rupees two lacs)** each and PR bond in the like amount to the satisfaction of Additional Registrar of this Court.

Instant listed application is disposed of accordingly.

Adjourned to be fixed after four weeks for hearing of main appeal .

J U D G E

Nasim/P.A