

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

Cr. Revision Appln. No. S-47 of 2025

Applicant : Haq Nawaz s/o Muhammad Murad, Siyal
Through Syed Tanveer Abbas Shah, Advocate

The State : Through Mr. Khalil Ahmed Maitlo, DPG

Date of hearing : 24.11.2025

Date of order : 24.11.2025

ORDER

KHALID HUSSAIN SHAHANI, J.— This application under Section 426 of the Code of Criminal Procedure seeks suspension of the sentence awarded to the applicant and release on bail, pending the final disposal of his criminal Revision against conviction recorded by two Courts below.

2. The applicant was convicted by the learned trial court in a case bearing Crime No.155/2024, for offence under Section 489-F PPC registered at Police Station Kandiaro and sentenced to him to suffer R.I for 02 years and directed him to pay fine of Rs.45,000/- in case of default, he shall suffer S.I for 03 months more with benefit of section 382-B Cr.P.C vide judgment dated 25.04.2025. The applicant filed an appeal against the said conviction before the appellate Court, which was dismissed vide judgment dated 25.04.2025 passed by learned Additional Sessions Judge Kandiaro, hence applicant has preferred the instant Cr. Revision Application before this Court.

3. Learned counsel for the applicant contends that:

- The prosecution's evidence is riddled with contradictions and procedural irregularities.
- The disposal of the appeal is unlikely to take place in the near future due to the backlog of cases, resulting in undue incarceration without final adjudication.
- The applicant is not a hardened or desperate criminal.

4. The learned Deputy Prosecutor General has conceded the arguments advanced by learned counsel for the applicant.

5. Section 426 of the Cr.P.C empowers the appellate court to suspend the execution of a sentence and release the convict on bail if there are sufficient grounds. Courts have consistently emphasized that prolonged incarceration,

absence of a serious criminal record, and statutory delays are valid grounds for such relief.

6. The right to liberty is enshrined under Article 9 of the Constitution, which provides that no person shall be deprived of life or liberty except in accordance with the law. The courts have held that prolonged incarceration without timely adjudication of appeals violates this fundamental right, as highlighted in the case of *Sajjad Hussain alias Shaka v. The State* (2022 YLR 359).

7. In the case of *Ahmad Ali and another v. The State* (2023 P Cr. L J 139), the court emphasized that continued incarceration serves no useful purpose if there is prima facie doubt about the sustainability of the conviction. Furthermore, in *Modassar v. The State* (2021 YLR Note 91), the court reiterated that prolonged detention without foreseeable disposal of an appeal constitutes a violation of constitutional rights.

8. After, hearing the arguments and reviewing the record, this Court is satisfied that the applicant has made out a case for suspension of sentence. The appeal is not expected to be decided soon. Furthermore, the applicant has demonstrated that there are arguable points in the appeal, warranting further consideration. The applicant's continued detention, in the absence of timely adjudication of his appeal, would unjustly infringe upon his constitutional right to liberty.

9. In view of the foregoing, this application is allowed. The sentence awarded to the applicant is suspended during the pendency of the instant Cr. Revision Application. The applicant shall be released on bail upon furnishing solvent surety in the sum of Rs.100,000/- and PR bond in the like amount to the satisfaction of the Additional Registrar of this Court. The applicant is directed to appear before this Court on all future dates of hearing until the final disposal of the appeal.

To come up on **15.12.2025**.

J U D G E