

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

Cr. Jail Appeal No. S-71 of 2022

Appellant : Shoukat Ali s/o Jeeand, Gopang

Cr. Jail Appeal No. S-75 of 2022

Appellant : Saddam Hussain s/o Shoukat Ali, Gopang
Both appellants/applicants *through* Mr. Ghulam
Shabbir Shar, Advocate

The State : *Through* Mr. Zulfiqar Ali Jatoi, Additional P.G.

Date of hearing : 22.12.2025

Date of order : 22.12.2025

O R D E R

KHALID HUSSAIN SHAHANI, J.— Through this common order, two applications under Section 426, Cr.P.C, filed separately by the above-named appellants/applicants in their respective criminal jail appeals, seeking suspension of sentence and release on bail pending final decision of the appeals, are being disposed of.

2. The appellants/applicants were convicted by the learned Additional Sessions Judge-I/(MCTC), Khairpur, in Sessions Case No.597 of 2013 and Sessions Case No.597-A of 2013, arising out of FIR No.83 of 2013, registered at Police Station Mirwah for offences under Sections 302, 324, 147, 148, 149 and 114, PPC. They were convicted for the offence punishable under Section 302(b), PPC and sentenced to suffer imprisonment for life as **Ta'zir**, and were directed to pay compensation of Rs.300,000/- (Three Hundred Thousand only) each to the legal heirs of deceased Sajid Ali and deceased Hatim Ali under Section 544-A, Cr.P.C., and in default of payment to undergo simple imprisonment for six months more, with benefit of Section 382-B, Cr.P.C. Separate criminal jail appeals filed by the appellants/applicants against the said conviction and sentence are pending before this Court for final adjudication.

3. Learned counsel for the appellants/applicants submits that the parties have amicably resolved their dispute outside the Court and effected a compromise. It is stated that all legal heirs of deceased Sajid Ali and deceased Hatim Ali, except Mst. Raheela (widow of deceased Sajid Ali), who after his death has contracted marriage with one Ayub Gopang, have settled the matter and have no objection to the suspension of sentence and release of the appellants/applicants on bail. In this regard, Mst. Ghulam Khatoon, Mst. Aneela and Rashid Ali (mother, daughter and son, respectively, of deceased Sajid Ali), and Mst. Mehnaz, Shakir Ali, Kausar Abbas, Mst. Nafeesa, Mst. Amna and Mst. Rukhsana (wife, sons, daughters and sister, respectively, of deceased Hatim Ali) have appeared in Court and filed their sworn affidavits in both appeals, categorically stating that they have no objection to the grant of bail to the appellants/applicants Shoukat Ali and Saddam Hussain. They are present in Court and affirm the contents of their affidavits on oath.

4. Learned Additional Prosecutor General, appearing for the State, does not oppose the applications and has expressly conceded to the submissions advanced by learned counsel for the appellants/applicants.

5. After hearing the learned counsel for the parties and examining the available material on record, this Court is satisfied, for the purposes of Section 426, Cr.P.C., that the offence is compoundable and that the legal heirs of both deceased persons, Sajid Ali and Hatim Ali, have, through duly sworn affidavits, raised no objection to the suspension of the sentence of the appellants/applicants and their admission to bail. In the circumstances, and in view of the voluntary and unambiguous stance of the legal heirs, the appellants/applicants have made out a sufficient case for suspension of sentence on the basis of the compromise so arrived at.

6. Consequently, the applications under Section 426, Cr.P.C., filed by appellants/applicants Shoukat Ali and Saddam Hussain in the above-captioned criminal jail appeals are allowed. The sentences awarded to them shall remain suspended during the pendency of their appeals. Both appellants/applicants shall be released on bail, subject to their furnishing solvent surety in the sum of Rs.200,000/- (Two Hundred Thousand only) each and personal recognizance bond in the like amount to the satisfaction of the Additional Registrar of this Court.

7. The appellants/applicants are directed to remain present before this Court on all future dates of hearing and shall continue to do so until the final disposal of their appeals.

8. To come up on 15.01.2026. Office shall place a signed copy of this order in the captioned connected matters.

J U D G E