

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD.
Crl. Appeal No.S – 140 of 2020

DATE	ORDER WITH SIGNATURE OF JUDGE
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For hearing of MA-6870 of 2020.

18.01.2021.

Mr. Ishrat Ali Lohar Advocate, Advocate for applicant.

Mr. Shahzad Saleem Nahiyoona, D.P.G for State.

Mr. Qambar Ali Jamali, advocate for complainant.

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The applicant allegedly by way of rash and negligent driving of a Mazda vehicle committed death of Moula Bux and caused injuries to PW Ahsan Ali, for that he was booked accordingly. On trial, he was found guilty for the above said offence and was awarded punishment of Diyat and Daman to be paid the legal heirs of the said deceased and the injured by learned Additional Sessions Judge-I/Model Criminal Trial Court Umerkot vide his judgment dated 15.09.2020, which is impugned by the applicant before this Court by preferring an appeal, which is admitted to Regular hearing and in the meanwhile the applicant has sought for suspension of the operation of impugned judgment and his release on bail by way of listed application.

It is contended by learned counsel for the applicant that the applicant is in jail materially for non-payment of *Diyat*/Daman money and hearing of his appeal is not possible in near future. By contending so, he sought for suspension of the operation of the impugned judgment and release of the applicant on bail. In support of his

contention he relied upon cases of *Shah Hussain vs the State (PLD 1995 Karachi 209)* and *Khan Muhammad Mahar vs the State (2003 SCMR 22)*

Learned A.P.G for the State and learned counsel for the complainant have opposed to release of the applicant on bail pending disposal of his appeal.

I have considered the above arguments and perused the record.

The applicant is in jail on account of non-payment of *Diyat/Daman* money to the legal heirs of the deceased and injured; hearing of his appeal obviously would take further time; therefore, the operation of impugned judgment is suspended. Consequently, the applicant is ordered to be released on bail subject to his furnishing surety in sum of Rs.200,000/- and PR bond in the like amount to the satisfaction of Additional Registrar of this Court.

The listed application is disposed of accordingly.

JUDGE.