

ORDER SHEET  
**IN THE HIGH COURT OF SINDH,**  
CIRCUIT COURT, HYDERABAD.

Criminal Appeal No.S- 274 of 2019

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**DATE**                      **ORDER WITH SIGNATURE OF JUDGE**

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1. For orders on office objection.
2. For hearing of MA 8301/2019.

12.06.2023

Mr. Mian Taj Muhammad Keerio, Advocate for appellant.  
Mr. Siraj Ahmed Bijarani, A.P.G for State.

**ORDER**

In compliance of the directions contained under earlier order, the Jail Authorities have submitted report dated 12.06.2023 which reveals that the appellant Muhammad Ramzan has served out his entire sentence on 14.08.2022 however, has been detained for want of Arsh as well Daman amount. The report is taken on record.

Through listed application u/s 426 Cr.P.C vide M.A No.8301/2019, the appellant seeks his release on bail during pendency of the appeal on the ground that sentences awarded to him are of 05 years which come within the ambit of short term and the appeal will take sufficient time in its decision.

Mr. Keerio submits that appellant has completed his servitude and has been detained for want of payment of Arsh and Daman amount, therefore submits, he (the appellant) has been able to make out the case for his release on bail during pendency of the main appeal in terms of Section 426 Cr.P.C. As far as Arsh and Daman is concerned, he submits that appellant after release may approach to the complainant / victim party for settlement or arrange the amount he has to pay, therefore, looking to the above factual position of the record he may be enlarged on bail.

Learned A.P.G appearing for the State in view of the report submitted by the Senior Superintendent Central Prison, Mirpurkhas does not oppose the

listed application; however, submits that the appellant may be directed to furnish a surety equivalent to the amount he has to pay.

Since the sentence awarded to appellant has been completed and he has been directed to be released; however, he has been in custody for want of payment of Arsh and Daman. The appeal is pending since 2019 and no one has been appearing on behalf of the complainant / injured. The appellant has completed his servitude therefore, the listed application merits consideration. Consequently it is hereby allowed. Resultantly, operation of the impugned judgment dated 02.09.2019 penned down by Additional Sessions Judge-I/MCTC, Mirpurkhas (trial Court) vide Sessions Case No.288 of 2016 [Re-The State v. Pervaiz Ahmed and others] only to the extent of conviction and sentence awarded to the appellant Muhammad Ramzan is hereby suspended till final decision of the main appeal. Appellant Muhammad Ramzan shall be released on bail subject to his furnishing solvent surety in the sum of Rs.500,000/- (Rupees Five Lac) and P.R Bond in the like amount to the satisfaction of Additional Registrar of this Court.

To come up for hearing of main appeal on 18.08.2023.

  
JUDGE