

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

Cr. Appeal No. S – 62 of 2023
(*Raza Muhammad & others versus The State*)

Date of hearing : 11.12.2023

Mr. Abdul Rauf Abro, Advocate for appellants.
Mr. Aftab Ahmed Shar, Additional Prosecutor General.

ORDER

Muhammad Iqbal Kalhoro, J. – Learned Counsel, at the very outset, submits that he has moved application (MA No.4032 of 2023) U/S 426 CrPC for suspension of sentence of appellants Raza Muhammad S/o Dur Muhammad Channa and Ali Gul S/o Rasool Bux Channa U/S 324, 337-H(2), 34 PPC vide judgment dated 19.06.2023 passed by learned Additional Sessions Judge-IV, Khairpur in Sessions Case No.158 of 2021 (*Re: The State versus Raza Muhammad & others*), arising out of Crime No.01/2021 of Police Station Sorah. According to him, appellant Raza Muhammad has already served out his sentence and has been released by jail authorities. Therefore, he does not press this application to the extent of appellant / applicant Raza Muhammad, which is accordingly **dismissed as not pressed** to his extent.

2. The sentence of appellant Ali Gul i.e. five (05) years imprisonment is a short one, and in FIR as well as in evidence of witnesses, no role has been assigned to him. His mere presence has been shown at the spot along with main accused Arbelo, who is assigned role of firing at the injured. Appellant Ali Gul was on bail before the trial Court, and since he has not been assigned any role, his case requires further enquiry and reappraisal of evidence to determine whether he is guilty of the offence U/S 324 PPC and 337-H(2) PPC under which he is sentenced for three months. Learned Additional Prosecutor General has also recorded no objection.

3. In view of above facts and circumstances of the case, when appellant / applicant Ali Gul was on bail before the trial Court and has not been *prima facie* assigned any active role, the application to the extent of appellant / applicant Ali Gul is **allowed**. His sentence is suspended while granting him bail in the sum of Rs.50,000/- (*Rupees fifty thousand*) and P.R. bond in the like amount to the satisfaction of Additional Registrar of this Court.

4. The appeal is however adjourned to **29th January 2024**.

J U D G E