

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
Criminal Appeal No.179 of 2024
(*Hamza Ali v. The State*)

DATE: ORDER WITH SIGNATURE OF THE JUDGE

1. For hearing of case
2. For hearing of MA No.3189/2024

08.05.2024

Mr. Bashir Ahmed Ghoto, advocate for the appellant
Mr. Muhammad Iqbal Awan, Addl. PG for the State
Complainant Kamaluddin Shaikh

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On completion of the trial, the appellant was convicted under Section 320 PPC and sentenced to undergo rigorous imprisonment for five years and to pay *Diyat* to the legal heirs of the deceased with the benefit of Section 382(b) Cr.PC by learned IVth-Additional Sessions Judge Karachi West vide judgment dated 24.02.2024, which the appellant has impugned before this Court by preferring an appeal and in the meanwhile, has sought his release on bail by way of listed application by suspending the operation of the sentence.

It is contended by learned counsel for the appellant that the sentence awarded to the appellant being 05 years with *Diyat* is short one; therefore, it is liable to be suspended with the release of the appellant on bail pending disposal of his appeal, which is opposed by learned Addl. PG for the State who is also assisted by the complainant in person.

Heard arguments and perused records.

The appellant was enjoying the concession of bail at trial. The offence for which he has been punished is bailable. The sentence awarded to the appellant being 05 years is a short one. The disposal of the appeal of the appellant is likely to take time on account of heavy pendency, therefore, while relying upon the case of *Abdul Hameed Vs. Muhammad Abdullah and others (1999 SCMR-2589)*, the sentence awarded to the appellant is suspended; he is directed to be released on bail, subject to his furnishing surety in the sum of Rs.100,000/- (Rupees One Lac only) and PR bond in the like amount to the satisfaction of Nazir of this Court.

The listed application (MA No.3189/2024) is disposed of accordingly.

To come up on 05.06.2024 for hearing of the main appeal.

JUDGE

Nadir*