

ORDER SHEET

IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR

CrI. Appeal No. S-125 of 2023

(Aurangzeb Khan Vs. The State)

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DATE

ORDER WITH SIGNATURE OF JUDGE

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1. For hearing of MA No. 6884/2023 (426 Cr.P.C)
2. For hearing of main case.

**12-03-2024.**

Mr. Noor Hassan Malik advocate for the appellant.

Mr. Safdar Hussain Kanasiro, advocate for the complainant.

Syed Sardar Ali Shah Rizvi, Additional P.G for the State.

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The appellant **Aurangzeb Khan** on conclusion of trial was convicted and sentenced to various terms of imprisonment spreading over ten years, which were directed to run concurrently with benefit of section 382 (b) Cr.P.C by learned Additional Sessions Judge, Gambat vide judgment 27-10-2023, which he has impugned before this Court by preferring an Appeal and in the meanwhile by way of listed application under section 426 Cr.P.C has sought for his release on bail pending disposal of his appeal by suspending the operation of the sentence awarded to him.

It is contended by learned counsel for the appellant that in collusive of remission the appellant has remained in jail for about six years and there is no likelihood of early disposal of his appeal; therefore, he is entitled to be released on bail by suspending the operation of sentence awarded to him, which is not opposed by learned APG for the State, however learned counsel for the

complainant has opposed to release of the appellant on bail by contending that disposal of his appeal would take no time.

Heard arguments and perused the record.

As per jail roll appellant **Aurangzeb Khan** in-collusive of remission has already undergone six years of the sentence and hearing of his appeal is likely to take more time because of heavy pendency; therefore while relying upon case of *Makhdoom Javed Hashmi Vs. The State (2007 SCMR 1844)* the operation of the sentence awarded to the appellant is suspended; consequently he is directed to be released on bail, subject to his furnishing surety in sum of **Rs.50,000/- (Fifty thousand)** and PR bond in the like amount to the satisfaction of Additional Registrar of this Court.

Listed application is disposed of accordingly.

To be fixed after four weeks, for hearing of main appeal.

J U D G E