

**IN THE HIGH COURT OF SINDH BENCH AT SUKKUR**

***Crl. Jail Appeal No.S-122 of 2016***

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Date

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Order with signature of Judge

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*For hearing of main case.*

***Date of hearing***                      ***28-02-2025***  
***Date of Judgment.***                ***28-02-2025***

Mr. Alam Sher Bozdar, Advocate for appellant.  
 Syed Sardar Ali Shah, Addl. P.G, Sindh for the State.

**J U D G M E N T**

***Riazat Ali Sahar, J.***            Through instant Crl. Jail Appeal, appellant ***Muhammad Punhal alias Punhoon son of Khawand Bux Bhutto*** impugned the judgment dated 07-06-2026 passed by learned Additional Sessions Judge-IV, Mirpur Mathelo in Sessions Case No.99/2009 (*re.The State Vs. Muhamamd Punhal alias Punhoon Bhutto*) for offence u/s 13(d) Pakistan Arms Ordinance, 1965 arising out of Crime No.244 of 2009, registered at Police Station, Daharki whereby the appellant/accused has been convicted under Section 265-H(ii) Cr.P.C, for the offence punishable under Section 13(d) Pakistan Arms Ordinance, 1965 and sentenced to suffer rigorous imprisonment for 07 years and pay fine of Rs.20,000/-, in case of failure to pay fine, he shall further undergo S.I for one moth more with benefit of Section 382 Cr.P.C.

2. In compliance of directions contained under order of the day Jail Authorities has produced fresh jail roll of the appellant dated 28.02.2025, taken on record. The jail roll reveals that appellant has

served out sentence without remission is 06 years 08 months and 23 days and has earned remissions, 01 Year 05 months and 02 days.

3. Learned counsel for appellant submits that appellant has learnt a lesson and has regrets, as he committed the offence in mitigating circumstances; therefore, he has repentance and penitence. He submits that while serving out sentence, he has improved a lot and realized his mistakes. He further submits that he would not contest the appeal on merits if, the period of appellant has already undergone including remissions may be considered and he may be released from the jail.

4. Learned Additional Prosecutor General appearing for the State after going through the file as well as jail roll does not oppose the proposal so advanced by the counsel for appellant.

5. Perusal of record reveals that many contradictions were occurred in the reasoning given by the trial Court as the evidence adduced by the prosecution was not inspiring confidence. In case of State through the *Deputy Director (Law) Regional Directorate, Anti-Narcotics Force v. Mujahid Naseem Lodhi (PLD 2017 Supreme Court 671)*, the prosecution filed leave to appeal which was against the order/judgment passed by the High Court whereby the High Court had reduced the sentence of respondent/appellant to the period he had already undergone. The Honourable Supreme Court of Pakistan refused to grant leave to the State through prosecution and approved the decision/judgment passed by learned High Court. Accordingly, instant Crl. Jail Appeal is hereby dismissed and the impugned judgment dated 07.06.2016 is hereby altered/modified to the extent of sentence awarded to the appellant to have already undergone including the sentence of fine. Appellant **Muhammad Punhal alias**

***Punhoon son of Khawand Bux Bhutto*** is in custody, therefore, he shall be released forthwith if he is not required by the Jail Authorities in connection with any other criminal custody case.

6. With above modification in sentence, the Criminal Jail Appeal is dismissed.

**J U D G E**

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