

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

Special Criminal Jail Appeal No. D – 220 of 2019  
Special Criminal Jail Appeal No. D – 39 of 2019  
Special Criminal Appeal No. D – 43 of 2023  
Const. Petition No. D- 331 of 2024  
Special Criminal Jail Appeal No. D – 140 of 2016  
Special Criminal Jail Appeal No. D – 28 of 2023  
Special Criminal Jail Appeal No. D – 214 of 2016  
Special Criminal Jail Appeal No. D – 32 of 2023

**Present:**

Mr. Justice Mehmood A. Khan,  
Mr. Justice Khadim Hussain Tunio.

M/s Rukhsar Ahmed Junejo, Mehfooz Ahmed Awan, Muhammad  
Ayaz Shaikh, Sheeraz Fazal, Farhan Shaikh Advocates for  
appellants/applicant.

Mr. Muhammad Faruq Jatoy, SPP ANF.

Mr. Aftab Ahmed Shar, Additional Prosecutor General.

Mr. Agha Athar Hussain Pathan, AAG.

Mr. Zuifqar Ali Agha Superintendent Central Prison Sukkur along  
with Azizullah Acting Deputy Superintendent.

Date of hearing: 24.09.2023

Date of Order : 08.10.2024

**MEHMOOD A. KHAN, J.** All these matters on the earlier dates of hearing  
i.e 04.09.2024, 11.09.2024, 18.09.2024 and on 24.09.2024 were got  
clubbed by us as it was being observed that in these cases where  
apparently convicts are serving their sentence along with pendency of  
these matters mostly at the appellate stage despite the period of  
conviction being substantial, the undergone period was also strangely  
found at times unusually more than then actual period of confinement.  
Jail authorities were called upon during these proceeding wherein  
reports were acquired from them as to record and data available with  
them in this regard along with the reasons of disparity referred above.

They have come up with the prime stand that the remissions as awarded are being applied for computation of confinement. We do not intend to deliberate upon the legality of the remissions as are being applied in the normal process or the special remissions as are being provided namely blood donation or as stated on the occasions of independent day including the 75<sup>th</sup> Independence day of Pakistan but are not satisfied if not disturbed by the applicability thereof. Apparent the remissions as are being provided are not strictly within the restrictions as is required as per the circulars in a uniform and a transparent manner. In this regard A.N.F has also filed objections pointing out the specific cases and the rules applicable thereto which apparently cannot be so conveniently denied. During the course of these hearings we have preferred to abstain ourselves from examining each case and calculation thereof as to the remission applicable thereto, however, the transparency of the same is found in question. As an example it is observed that the entertainment to the narcotic cases is being provided in a preferred manner. In this regard report submitted by the Jail authorities have also not specifically specified that the remissions as provided have been granted to all the accused and the same as such can only be presumed. In respect to the availability of remissions, the matters have been taken up by different benches and even by the Hon'ble Supreme Court wherein proper guidelines are available for the applicability, however, availability thereof in a transparent manner apparently has not been touched upon directly which is found required.

In this regard learned Addl.P.G apart from relying upon the following authorities has come up with the practice prevailing in Punjab wherein the data of all the prisoners of the province is kept with the applicable and available remissions in a transparent manner.

Nazar Hussain and another vs. The State (PLD 2010 Supreme Court 1021)

Abdul Malik and others vs. The State and others (PLD 2006 Supreme Court 365).

Instead of scanning each and every case in these matters as well as cases that may come up and calling for further reports to be submitted by Jail authorities, such being the circumstances found and bound to present throughout the province. Let Secretary Home Department, Government of Sindh Karachi be called upon for incorporation of similar process and availability of Portal for which of course as to its model and resources can be acquired conveniently. It may be observed that the purpose of said exercise is to provide the remissions as may be available in a orderly, transparent and indiscriminate manner to all the prisoners. The purpose is also to ensure that the remissions are not kept at the discretion of the concerned officials but in accordance with the Jail rules as well as the cases whereby almost all of them have been discussed and the guidelines are available. Let a report in this regard be filed by the Secretary Home Department, Government of Sindh Karachi within a period of 15 days with the required working and time stretch for availability and incorporation of the same. The said report be filed in the leading case and as the purpose of clubbing the cases having been served. These cases be fixed at their own. Copy of this order be also provided to learned Additional Advocate General, Additional Prosecutor General and Deputy Attorney General for compliance. *Copy of this order be placed in all the captioned connected matters.*

JUDGE