

ORDER SHEET
IN THE HIGH COURT OF SINDH BENCH AT SUKKUR
Criminal Appeal No.S-49 of 2026

Date	Order with the signature of the Judge
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1. For hearing of M.A No.3205/2026 (426 Cr.P.C)
2. For the hearing of the main case

25.05.2026

Mr. Khan Muhammad Sangi, Advocate for the Appellants.
Mr. Imran Mobeen Khan, Assistant Prosecutor General for the state.

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Through this appeal, the appellants have challenged the impugned judgment dated 12.05.2026 passed by the learned Additional Sessions Judge-IV, Khairpur, in Sessions Case No.697 of 2025, titled *The State vs Gul Hassan and others*, arising out of FIR No.548/2024, registered at Police Station B-Section, Khairpur, for offences punishable under Sections 395/511, 224, 225 and 353 PPC. Through the impugned judgment, the learned trial Court convicted and sentenced the appellants to undergo rigorous imprisonment for four years under Section 395/511 PPC, along with payment of fine, and in default thereof, to suffer further imprisonment.

Learned counsel for the appellants pressed Criminal Miscellaneous Application No.3205 of 2026 filed under Section 426 Cr.P.C., contending that the appellants have been awarded a short sentence and no incriminating article or weapon was recovered from their possession. He further argued that the prosecution story appears doubtful, as it is highly improbable that persons allegedly armed only with lathis could effectively confront police officials equipped with automatic weapons; therefore, the matter requires deeper examination at the time of final hearing of the appeal. He

also submitted that, owing to the heavy pendency of cases, there is no likelihood of the appeal being heard in the near future.

Conversely, the learned Assistant Prosecutor General opposed the application on merits; however, he fairly conceded that, due to the bulk of pending cases, the instant appeal is not likely to be decided in the near future.

Keeping in view the above facts and circumstances, coupled with the submissions advanced by learned counsel for the parties, it appears that arguable points requiring further consideration are available in the present appeal. Moreover, the sentence awarded to the appellants falls within the category of short sentence and, due to the heavy pendency of cases, there is no probability of early hearing of the appeal, which may take considerable time for its final disposal. Reliance in this regard may be placed upon the case of *Abdul Hameed v. Muhammad Abdullah (1999 SCMR 2589)*.

In view of the foregoing reasons, the application filed under Section 426 Cr.P.C. is allowed. Consequently, the sentence awarded to the appellants is suspended during the pendency of the appeal, and they are admitted to bail subject to furnishing solvent surety in the sum of Rs.50,000/- (Rupees Fifty Thousand only) each, along with a P.R Bond in the like amount, to the satisfaction of the learned Additional Registrar of this Court. Accordingly, Criminal Miscellaneous Application No.3205 of 2026 stands disposed of.

Re-list for main appeal on 17.08.2026

JUDGE