

ORDER SHEET
**IN THE HIGH COURT OF SINDH, CIRCUIT COURT,
HYDERABAD**

Criminal Appeal No.S-67 of 2021

DATE	ORDER WITH SIGNATURE OF JUDGE
	1. For hearing of M.A. No.3206/2021.
	2. For hearing of case.
	3. For hearing of M.A. No.3207/2021.
<u>09.07.2021</u>	

M/s. Bashir Ahmed Almani and Muhammad Aamir Qureshi, Advocates for the appellants.

Ms. Sana Memon, A.P.G for the State.

Mr. Jahangir Khan Pathan, Advocate for the complainant.

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The appellants for an offence punishable under section 3 (i) & (ii) of Illegal Dispossession Act, 2005 have been convicted and sentenced to undergo R.I for five years and to pay compensation of Rs.20,000/- each to complainant Waseem Akhtar by learned VIII Additional Sessions Judge, Hyderabad vide his Judgment dated 17.04.2021, which is impugned by the appellant before this Court by preferring an appeal and in the meanwhile, by way of listed application under section 426 Cr.P.C., have sought for their release on bail pending disposal of their appeal.

2. It is contended by learned counsel for the appellants that the appellants are in custody since three months and hearing of their appeal is likely to take time and operation of the impugned judgment has already been suspended by this Court vide order dated 05.05.2021 passed in C.P. No.D-776 of 2021 titled "Mst. Khatoon Rehman and others Vs. Waseem Akhtar and others. By contending so, they sought for release of the appellants on bail pending disposal of their appeal.

3. Learned A.P.G for the State has recorded no objection to release of the appellants on bail while learned counsel for the complainant has recorded objection to release of the appellants on bail by contending that disposal of appeal of the appellants would not take much time.

4. I have considered the above arguments and perused the record.

5. The appellants have been convicted in a direct complaint; at trial they were enjoying the concession of bail, the conviction which is awarded to the appellants is short one and hearing of their appeal because of heavy pendency, obviously would take time. In these circumstances; a case for release of the appellants on bail pending disposal of their appeal obviously is made out.

6. In view of above, by suspending the operation of impugned judgment in this appeal, while relying upon case of *Abdul Hameed Vs. Muhammad Abdullah and others (1999 SCMR 2589)* the appellants are admitted to bail subject to their furnishing surety in sum of Rs. 50,000/- each and P.R bonds in the like amount to the satisfaction of Additional Registrar of this Court.

7. The listed application is disposed of accordingly.

JUDGE

Muhammad Danish Steno*