

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

Criminal Appeal No.S-69 of 2021

DATE	ORDER WITH SIGNATURE OF JUDGE
	1. For orders on M.A. No.8113/2021.
	2. For hearing of M.A. No.3364/2021.
	3. For hearing of case.
	4.
<b><u>26.07.2021</u></b>	

Mr. Irfan Ahmed Qureshi, Advocate for the appellant.  
Ms. Sobia, A.P.G for the State.  
Mr. Muhammad Aslam Khan, Advocate for the respondent  
No.4.

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The applicant for an offence punishable under section 3 (i) & (ii) of Illegal Dispossession Act, 2005 has been convicted and sentenced to undergo R.I for five years and to pay compensation of Rs.50,000/- to the complainant by learned VIII<sup>th</sup> Additional Sessions Judge, Hyderabad vide his Judgment dated 27.04.2021, which is impugned by the applicant 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.

2. It is contended by learned counsel for the applicant that the sentence is short one, the applicant is in custody since three months and hearing of his appeal is likely to take time. By contending so, he sought for release of the applicant on bail pending disposal of his appeal.

3. Learned A.P.G for the State has recorded no objection to release of the applicant on bail while learned counsel for the complainant

party has recorded objection to release of the applicant on bail by contending that disposal of appeal of the applicant would not take much time.

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

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

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

7. The listed application M.A. No.3364 of 2021 is disposed of accordingly.

JUDGE

Muhammad Danish Steno\*