

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

**Cr. Appeal No. S- 158 of 2021**

For hearing of bail application u/s 426 Cr.P.C (M.A-10387 of 2021)

**Date of hearing: 25.04.2022**

Mr. Aslam Pervez Khan, Advocate for the appellant.

Mr. Shawak Rathore, D.P.G.

Complainant Mukhtar Ahmed present in person.

**ORDER**

**SALAHUDDIN PANHWAR, J.**-Through listed application, appellant seeks suspension of operation of the impugned judgment dated 08.09.2021, passed by learned Vth Additional Sessions Judge, Hyderabad, in Sessions Case No. 826 of 2013, whereby, appellant was convicted under section 337-F(vi) PPC and sentenced to suffer R.I for four years and to pay Rs.25,000/- to injured as Daman. Benefit of section 382-B was extended to the appellant.

2. At the outset, learned counsel for the appellant contended that the sentence of 04 years is short one. He has further submitted that appellant is behind since last one year, though he was sentenced for four years; that on similar set of evidence co-accused Amanullah was acquitted by the trial Court and the injury allegedly caused by the appellant is not on vital part; therefore, while suspending the operation of the impugned judgment, appellant may be admitted to bail as due to heavy backlog at this Circuit hearing of present appeal in near future is not in sight and if the appellant may undergo his entire sentence, right of appeal would be without any purpose.

3. Learned A.P.G. appearing on behalf of the State in view of the

above has recorded no objection to the suspension of sentence.

4. Heard learned counsel for the respective parties and perused the record.

5. Admittedly, the Appellant was convicted and sentenced to suffer RI for four years by the trial Court vide Judgment dated 08.09.2021, which falls within the parameters of 'short sentence' as per dicta held in Abdul Hameed v. Muhammad Abdullah and others (1999 SCMR 2589). There is no likelihood that the instant appeal may be heard and decided in near future, keeping in view the heavy backlog of the cases pending in this Court. The appellant is in custody since last one year and if the appellant may undergo his entire sentence, right of appeal would be without any purpose. Accordingly, the listed application (M.A-10387 of 2021) is allowed, operation of the impugned judgment dated 08.09.2021 is suspended during pendency of captioned appeal and as a result thereof the appellant is directed to be released on bail subject to furnishing his solvent surety in the sum of Rs.50,000/- (Rupees fifty thousand) and P.R Bond in the like amount to the satisfaction of Additional Registrar of this Court.

JUDGE

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