

## **ORDER SHEET**

IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR.

*Criminal Appeal No.S- 45 of 2024*

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<b>DATE</b>	<b>ORDER WITH SIGNATURE OF HON'BLE JUDGE</b>
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*1.For hearing of MA 2236/2024 (426 Cr.P.C)  
2.For hearing of main case*

**28<sup>th</sup> February, 2025**

Mr. Rukhsar Ahmed Junejo, Advocate for appellants.  
Syed Sardar Ali Shah, Additional P.G for the State.  
None present for the private respondents.

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Through listed application under Section 426, Cr.P.C, the appellants Gul Hassan, Sheral, Mubarak and Bilal, all by caste Ujjan have sought suspension of their sentence awarded to them by the trial Court vide judgment dated 25.04.2024, passed in Complaint No.51 of 2022, Sessions Case No.115 of 2022 re: Mst.Izat Begum and others v. Allah Dino and others, under section 3/4 of the Illegal Dispossession Act, 2005, whereby appellants have been convicted and sentenced to suffer **R.I for Five Years** and to pay fine of Rs.100,000/- each and in case of default in payment, to suffer S.I for six months more. Appellants were also directed to vacate the land within a period of 15 days and hand over peaceful possession to complainant(s).

Learned Counsel for the appellants submits that the appellants were on bail during the trial proceedings before the trial Court and have never misused such concession of bail; however, since 25.04.2024 they are behind the bars. He further contends that the conviction/sentence awarded to the appellants is short one and the disposal of appeal may take time due to backlog of cases before this Court. In support of his contentions, he has placed his reliance on the case of **Abdul Hameed v. Muhammad Abdullah & others** reported as (1999 SCMR 2589). He, therefore, prays for grant of bail to the appellants by suspending their sentence.

Learned Additional P.G appearing for the State, in view of the dictum laid down in the case referred above, recorded his no objection.

In view of the above facts and circumstances of the case, keeping in mind the sentence awarded to the appellants, which as per the Judgment referred (supra) is for five years, which is short one, the Miscellaneous Application No.2236 of 2024 is **allowed** and the appellants are admitted to bail by suspending the operation of impugned Judgment dated 25.04.2024 subject to furnishing solvent surety in the sum of Rs.2,00,000/- (Two Lac) each with P.R bond in the like amount to the satisfaction of Additional Registrar of this Court. However, the possession of the subject property shall be restored as per directions of the trial Court and the SHO is under legal obligation to discharge his professional duties as per directions of the trial Court.

To come up on **17.03.2025 at 11:30 a.m.**, when no adjournment shall be granted.

**JUDGE**

*Ahmad*