

ORDER SHEET

IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

Cr. Appeal No.S-168 of 2019

DATE

ORDER WITH SIGNATURE OF JUDGE

1. For hearing of main case.
2. For hearing of MA-5930/2019-

02.10.2019.

M/s Imran Ali Borano and Shahid Hussain Bhwani, advocates
for the appellant

Mr. Aslam Pervaiz, Assistant Attorney General.

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The appellant being Assistant Lineman-II HESCO, was found guilty for an offence punishable u/s 161 PPC r/w Section 5(2) of Act-II of 1947 and was convicted and sentenced to undergo R.I for three years with fine of Rs.30,000/-, by learned Special Judge (Central), Hyderabad vide his judgment dated 13th July, 2019, which is impugned by the appellant before this Court by way of preferring an appeal, it is admitted to regular hearing and in the meanwhile, the appellant by way of listed application u/s 426 Cr.P.C has sought for suspension of the operation of the impugned judgment with his release on bail, till disposal of his appeal.

It is contended by learned counsel for the appellant that the conviction and sentence which is recorded against appellant is short one and hearing of his appeal is likely to take some time. By contending so, he sought for the release of the appellant on bail subject to furnishing surety as the appellant according to him was

also on bail at trial. In support of his contention he relied upon case of ***Naeem and others vs The State (2001 P.Cr.L.J 541)***.

Learned Assistant Attorney General has opposed to grant of bail to the appellant by contending that no time would be consumed in hearing of the appeal of the appellant.

I have considered the above arguments and perused the record.

Admittedly, the appellant was found enjoying the concession of bail at trial; the conviction / sentence awarded to the appellant is short one, which is also impugned by the appellant by way of preferring an appeal, it is admitted to regular hearing, its hearing ofcourse is likely to take some time. In that situation, a case for release of the appellant on bail by suspending the operation of impugned judgment obviously is made out.

Consequently, the operation of impugned judgment is suspended, the appellant is ordered to be released on bail subject to his furnishing surety in sum of Rs.100,000/- and PR bond in the like amount to the satisfaction of Additional Registrar of this Court.

Instant listed application is disposed of accordingly.

JUDGE