

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

Criminal Appeal No.S-64 of 2021

DATE	ORDER WITH SIGNATURE OF JUDGE
	1. For hearing of M.A. No.3115/2021.
	2. For hearing of case.

**09.07.2021**

Mr. Bilawal Bajeer, Advocate for appellant.

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

Mr. Jahangir Khan Pathan, Advocate for the complainant.

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The appellant 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.20,000/- 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., has sought for his release on bail pending disposal of his appeal.

2. It is contended by learned counsel for the appellant that the appellant is in custody since three months and hearing of his 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, he sought for release of the appellant on bail pending disposal of his appeal.

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

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

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

JUDGE

Muhammad Danish Steno\*