

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

Criminal Bail Application No.S- 1048 of 2026

Date of hearing: 09.09.2026.

Date of order: 09.09.2026.

Mr. Aroon Kumar, Advocate for applicants.

Mr. Altaf Khokhar, D.P.G for State along with IO/ASI Zulfiqar
Ali PS Khanoth District Jamshoro.

ORDER

ABDUL MOBEEN LAKHO, J.- Applicants/accused Kashif Ali and Zeeshan seek post arrest bail in Crime No.24/2026 registered at Police Station Khanoth for offences u/s 379, 411, 427 PPC and Section 26-A of Forest Act. Previously, the applicants/accused applied for the same relief before the learned Additional Sessions Judge-II, Jamshoro but the same was declined vide order dated 01.08.2026. Hence this bail application.

2. The details and particulars of the F.I.R. are already available in the bail application and F.I.R., same could be gathered from the copy of F.I.R. attached with such application, hence needs not to reproduce the same hereunder.

3. Learned counsel appearing on behalf of the applicants contends that applicants are innocent and have falsely been implicated in the case in hand by complainant at the instance of one Wadera of the locality who has political enmity with the applicants; that no any independent person of the locality has been made as mashir though the complainant had prior information of the incident; that the offence does not fall within the prohibitory clause of Section 497 Cr.P.C. He lastly prayed for grant of bail to the applicants.

4. Conversely, learned D.P.G vehemently opposed the grant of bail to the applicants/accused on the ground that they are nominated in FIR with specific role of cutting trees from the Rajiri Forest and thereby committed theft of such timbers (Government Property).

5. Heard learned counsel for the parties and perused the entire material available on record.

6. Admittedly, the tentative assessment of the record reveals that complainant is not the eye witness of incident. The allegations against the present applicants are based purely on private inquiry conducted by the complainant post-incident, lacking independent verification at the initial stage. The investigating agency/complainant failed to associate any independent person of the locality to act as a *mashir* during the initial proceedings or recovery. The record lacks complete descriptions of the key material aspects, including the motorcycles allegedly used by the complainant party for patrolling, the trees alleged to have been cut down, and the tractor allegedly utilized in the commission of offence. The offence with which the applicants stand charged carries a maximum punishment of up to three (03) years imprisonment. Thus, the offence does not fall within the prohibitory clause of Section 497 Cr.P.C. Grant of bail in cases falling outside the prohibitory clause is a rule, and refusal is an exception. No extraordinary or exceptional circumstance has been pointed out by the prosecution to deny bail. The investigation in the instant case stands completed and the *challan* has already been submitted before the competent Court; hence, the applicants are no longer required for further investigation. Furthermore, as the prosecution case relies primarily on documentary evidence, there is no reasonable apprehension of the applicants tampering with the evidence.

7. In view of the above circumstances, a case for grant of post-arrest bail is made out. Consequently, the instant application is **allowed**. The applicants are granted post arrest bail subject to their furnishing solvent surety in the sum of Rs.50,000/- (Rupees Fifty Thousand) each and P.R Bonds in the like amount to the satisfaction of the learned trial Court.

8. Needless to mention here that the observations made hereinabove are tentative in nature and will not prejudice the case of either party at trial.

JUDGE