

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

Criminal Bail Application No. S-580 of 2025

Applicants : i. Nadeem son of Khamiso
ii. Amanullah son of Khamiso Lakhan
iii. Muhammad Sharif @ Sharif son of Sodho
iv. Hazoor Bux @ Hazooro son of Dilshad
v. Lal Dino @ Lalo son of Qalander Bux

Through Mr. Riaz Ali Shaikh, Advocate

The State : Through Mr. Mansoor Ahmed Shaikh, DPG

Date of hearing : 07-08-2025

Date of order : 07-08-2025

O R D E R

KHALID HUSSAIN SHAHANI, J.— Applicants Nadeem, Amanullah, Muhammad Sharif @ Sharif, Hazoor Bux @ Hazooro, and Lal Dino @ Lalo have sought pre-arrest bail, in a case bearing crime No. 07 of 2025, for offence under Sections 506/2, 379, 427, 504 PPC read with Section 26 & 63 Forest Act of Police Station Qadirpur.

2. The brief facts of the prosecution case, as set out in the FIR lodged by the complainant on 25.06.2025, are that on 21.06.2025 at about 1000 hours, the complainant, who is a Forester In-charge in the Forest Department, along with two forest guards proceeded to Block Bandi Dhareja for inspection. Upon reaching the Chowkri of Lindi Dhareja, they allegedly saw the present applicants along with other co-accused persons, armed with hatchets and cutter machines, with three jumbos loaded with Babul trees stationed there. The complainant's party claims to have attempted to restrain the accused, whereupon the latter allegedly pushed, abused, and assaulted them with kicks and fists, extended threats of murder, and thereafter took away the loaded jumbos. After informing their superiors and consulting with them, the FIR was lodged after four days of the alleged incident.

3. Learned counsel for the applicants contended that the applicants are innocent and have been falsely implicated due to mala fide on the part of the complainant, arising out of a dispute relating to agricultural land claimed to be under the cultivation of the applicants. It was argued that all the alleged

eyewitnesses are subordinates of the complainant and hence are interested witnesses, lacking independent corroboration. The delay of four days in lodging the FIR was emphasized as being wholly unexplained and, in the circumstances of this case, sufficient to cast serious doubt upon the veracity of the prosecution version. It was further submitted that the offences alleged do not fall within the prohibitory clause of Section 497(1) Cr.P.C., and that the applicants, being law-abiding citizens, seek the extraordinary relief of pre-arrest bail only to save themselves from humiliation and harassment at the hands of the police, as their custody is not necessary for the purposes of investigation or recovery. Learned counsel maintained that the applicants have a plausible defence in that, on the relevant day, they were present on their agricultural land irrigating crops when the complainant's party arrived, restrained them from doing so on the pretext that the land belongs to the Forest Department, and after an exchange of harsh words, managed to concoct the present case.

4. On the other hand, the learned Deputy Prosecutor General appearing for the State opposed the confirmation of bail, arguing that the applicants are specifically nominated in the FIR with clear roles attributed to them, including the theft of government property, use of criminal force against public servants, and extending threats of murder. It was urged that the delay in lodging the FIR is explained by the fact that the complainant first reported the matter to his superiors before approaching the police. Learned DPG submitted that the allegations are serious in nature and that the recovery of stolen forest produce is yet to be effected, which requires the arrest of the applicants.

5. I have given my anxious consideration to the submissions advanced by learned counsel for the parties and have examined the available record. The admitted delay of four days in lodging the FIR, without convincing explanation, in a case where the accused are admittedly known to the complainant, creates a cloud of doubt over the prosecution story at this stage. Furthermore, all the cited eyewitnesses are admittedly subordinates of the complainant, which prima facie renders their testimony interested and dependent on the complainant's version, an aspect that will require deeper scrutiny at trial. The alleged offences do not fall within the prohibitory clause of Section 497(1) Cr.P.C., and it is a settled principle of law, reiterated in a catena of judgments including *Muhammad Tanveer v. The State* (2017 SCMR 733), that in non-prohibitory offences grant of bail is a rule and refusal is an exception, to be exercised only in exceptional

circumstances. The plea of mala fide, though ordinarily to be substantiated by cogent material, gains weight in the present case due to the admitted background of dispute over the land in question between the parties. The purpose of pre-arrest bail is to protect an innocent citizen from harassment, humiliation, and unjustified arrest, without obstructing the course of justice. The applicants have already joined the investigation, and no material has been brought on record to show that their custodial interrogation is indispensable.

6. In view of the above circumstances, coupled with the fact that the matter requires further inquiry within the meaning of Section 497(2) Cr.P.C., I was persuaded to confirm the pre-arrest bail earlier granted to the applicants vide my short order dated 07th August, 2025, which is hereby affirmed on the same terms and conditions. The applicants are directed to continue to cooperate with the investigating agency and to appear before the trial Court on each and every date of hearing.. The observations made herein are purely tentative in nature and shall not prejudice the case of either party at trial.

J U D G E