

IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR

Cr. Bail Application No. S-1265 of 2025

Applicant : Javed son of Muhammad Uris by caste Solangi, Resident of village Arz Muhammad Laghari, Taluka Moro, District Naushahro Feroze. *Through* Mr. Ameenuddin Khaskheli, advocate.

The State : *Through* Mr. Muhammad Raza Katohar, Deputy Prosecutor General

Date of Hearing : 09-02-2026

Date of Order : 09-02-2026

ORDER

KHALID HUSSAIN SHAHANI, J. – Applicant Javed Solangi, seeks pre-arrest bail in a case bearing Crime No. 02/2025 registered under Sections 442, 506(ii), 353, 504, 34, PPC, read with Section 26 of the Forest Act, registered at Police Station Laghari, District Naushahro Feroze. The earlier application for same relief stood declined vide order dated 18-08-2025 by the learned Additional Sessions Judge, Moro, whereafter the present application has been invoked.

2. Epitomized narration of the factual substratum reveals that complainant Shahid Hussain, posted as Forester at Forest Khero Dero, alleged that during surveillance on 08-01-2025 at about 1900 hours, he and his subordinates encountered the applicant, armed with a firearm, accompanied by Saleem, Gul Meer and Muneer, wielding hatchets, engaged in felling Babar trees. It was further recounted that upon protest, the applicant purportedly hurled abuses, extended threats of dire consequences, and removed the felled timber. The FIR, however, surfaced on 09-01-2025 after obtaining permission from superior authorities.

3. Learned counsel for the applicant contends that the FIR is tainted with unexplained delay of a day, rendering the prosecution narrative inherently suspect; further that Section 26-A of the Forest Act is inapposite to the present factual configuration, as no allegation of encroachment or unlawful occupation of forest land exists, hence, the case, at its highest, warrants further inquiry within the contemplation of Section 497(2), Cr.P.C.

4. Conversely, learned D.P.G. has opposed the plea, asserting that the applicant stands specifically nominated with a defined role, warranting denial of equitable relief.

5. Having heard the respective submissions and meticulously examined the record, the Court notes that the prosecution's edifice rests primarily upon delayed accusation. The one-day hiatus between the occurrence and the registration of the FIR, in absence of plausible justification, perceptibly clouds the veracity of the complainant's account and suggests an element of deliberation or consultation, thereby diminishing its spontaneous probative worth. Reference may aptly be made to *Mazhar Ali v. The State (2025 SCMR 318)*.

6. Adverting to the invocation of Section 26-A of the Forest Act, it is evident that the said provision contemplates removal of encroachments or suppression of unlawful occupation of Reserved Forests. The FIR, even if taken at face value, discloses no assertion of occupation or encroachment, merely the act of cutting and removing trees. Such conduct may, at best, attract the mischief of Section 26, the maximum penalty whereunder is relatively mild. In the face of truncated punishment, coupled with absence of recovery and inconclusive evidentiary corroboration, the extension of pre-arrest protection becomes a justifiable measure at this embryonic stage.

7. It is firmly entrenched in our criminal jurisprudence that at the bail stage, an assessment of the material must be tentative, confined to

ascertaining whether reasonable grounds exist to connect the accused with the alleged crime, rather than embarking upon a conclusive evaluation of guilt. Reliance is placed upon *Muhammad Atif . The State and another (2024 SCMR 1071)*.

8. In the totality of the circumstances, this Court discerns sufficient substratum to hold that the case of the applicant falls within the ambit of further inquiry as postulated under Section 497(2) Cr.P.C. Accordingly, the instant application is allowed and the ad interim pre-arrest bail earlier granted to the applicant vide order dated 18-08-2025 stands confirmed on the same terms and conditions.

9. Needless to emphasize, if the applicant is found misusing the concession of bail or attempting to obstruct the process of justice, the learned trial Court shall remain at liberty to initiate proceedings for its recall in accordance with law.

10. It is clarified that the observations recorded herein are purely tentative and shall cast no reflection upon the eventual adjudication of the case on its own merits.

J U D G E