

IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR**Crl. Bail Application No. S- 962 of 2026**

Applicants: 1. Abdul Raheem son of Allauddin,
2. Akram Ali alias Akram son of Sadaruddin,
Both bycaste Bullo, through Mr. Khan
Muahmamd Sangi, Advocate.

Complainant: Ghulam Murtaza Mirbahar through
Mr. Muhammad Raza Katohar, Deputy
Prosecutor General, Sindh.

Date of hearing & Order: 19.10.2026.

ORDER.

Suresh Kumar, J.--- The applicants named above seek confirmation of the ad-interim pre-arrest bail granted to them by this Court via order dated 25.09.2026, in a case bearing crime No. 90/2026, for offences under sections 379 and 427 of the Pakistan Penal Code (PPC) and Section 26 of the Forest Act, 1927, registered at P.S. Adilpur, District Ghotki.

2. The brief facts of the case, as depicted in the FIR, are that the present applicants/accused, along with co-accused Safdar Bullo, have cut down 38 Babur and Talli trees and left their cattle on the forest land. The complainant, after obtaining permission from the department, came to the police station and lodged the FIR.

3. I have heard the learned counsel appearing on behalf of the applicants/accused and learned DPG as well as complainant.

4. Having given due consideration to the arguments advanced by the counsel for the respective parties and having perused the relevant material, it is revealed from the perusal of the FIR that the applicants/accused allegedly cut down 40 forest trees and also allowed their cattle to graze therein. The version of the complainant is supported

by P.Ws Muhammad Moosa and Irshad Ali, as well as by photographs produced in court. Therefore, prima facie, sufficient material is available on record to connect the applicants/accused with the commission of the offence. No mala fide has been brought on record to suggest that the applicants/accused are being falsely implicated in this case, which is a prerequisite for the grant of pre-arrest bail. It is well-settled law that the relief of pre-arrest bail can be granted to an accused if he establishes mala fide on the part of the complainant or police. In this regard, reliance is placed upon the case of Azher Pervez versus State etc. (2024 SCMR 1719). The delay of two days has been plausibly explained by the complainant. Moreover, the recovery of the trees is yet to be effected from the applicants/accused.

5. For the foregoing reasons stated above, I am of the considered view that the applicants/accused have not made out a case for the grant of pre-arrest bail. Therefore, the pre-arrest bail application filed by the applicants/accused is dismissed, and the interim pre-arrest bail already granted to the applicants is hereby recalled. The applicants/accused are directed to surrender before the Investigating Officer (I.O.)/trial court.

6. Needless to mention that the above observations are tentative in nature and will not prejudice the case of parties at the time of trial.

J U D G E

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