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**IN THE COURT OF ADDITIONAL SESSIONS JUDGE-II ORAKZAI, AT
BABAR MELA**

BBA No. 03 of 2020

Muhammad Rauf etc vs State

BBA No. 05 of 2020

Muhammad Riaz vs State

ORDER
19.02.2020

Accused/petitioners on ad-interim pre-arrest bail along with their counsel present. Syed Amir Shah APP for the State present. Mr. Muhammad Farooq Khan advocate learned counsel for the complainant along with complainant present.

Through the instant order it is intended to dispose of two bail before arrest applications above titled submitted by accused/petitioners Muhammad Rauf, Shah Kousal, Muhammad Dawood s/o Muhammad Farooq r/o Shekhan tappa Samoi Zai District Orakzai seeking the confirmation of their ad-interim pre-arrest bail in case FIR No.08 506/504/427/447/34 PPC dated 10/02/2020 PS Lower Orakzai (Kalaya).

Brief facts of the case are that the complainant submitted application to DPO Orakzai against the accused/petitioners that the complainant has taken the lease of the mine from the original owner and continued mine work for six months through labour; that the accused/petitioner came to the mine and caused damage there and also beaten the labourers and took the possession of mine, that the members of committee interfered but in vain. On the application of the complainant the present FIR was registered against the accused/petitioners, hence the instant pre-arrest bail applications.

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Arguments for the learned counsel for the accused/petitioner and APP for the state assisted by learned counsel for the complainant heard today and record perused.

The perusal of record would reflect that all the offences for which the accused/petitioners are charged are bailable wherein the accused/petitioners have the indefeasible right to be released on bail when they are brought before the court or appear before the court and they are ready to submit bonds for their appearance as provided u/s 496 Cr.P.C. The accused/petitioners have already submitted their bail bonds before the court and have recorded their statements after joining the investigation. The accused/petitioners are no more required in the instant case nor is any recovery required to be effected from the possession of accused, therefore sending the accused behind the bar would serve no useful purpose.

In view the above, the bail petitions in hand are accepted and the ad-interim pre-arrest bail granted to the accused/petitioners vide order dated 11/02/2020 and dated 12/02/2020 is hereby confirmed on the strength existing bail bonds.

File of this Court be consigned to record room after its necessary completion and compilation.

Announced
19.02.2020



(SHAUKAT ALI)
Additional Sessions Judge-II,
Orakzai at Babar Mela