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

BBA No. 04 of 2020

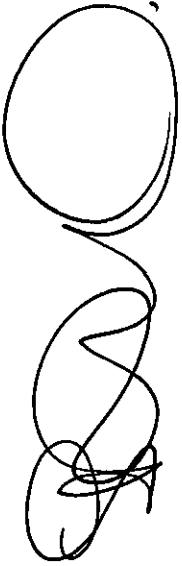
Taza Gul etc vs State

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. Abid Ali advocate learned counsel for the complainant along with complainant present.

The accused/petitioners Sardar Shah, Taza Gul, Sanab Gul and Enab Gul r/o Shekhan Tappa Umar Zai District Orakzai are seeking the confirmation of their ad-interim pre-arrest bail in case FIR No.07 dated 10/02/2020 u/s 342/427/506/148/149 PPC PS Lower Orakzai (Kalaya).

Brief facts of the case are that the complainant submitted application to DPO Orakzai against the accused/petitioners that he has taken on lease mine at Bandha Shekhan and working on the mine, that the complainant spent huge amount on the mine, that for some time the work on the mine was stop due to unavoidable circumstances and later on by the intervention of Jirga the mine was handed over to the complainant, that the accused/petitioners duly armed trespassed the mine and forcefully stopped the work at mine, that the complainant was kept in unlawful confinement and also beaten him with the butt of Kalashnikov, that the accused illegally occupied the mine and handed over the same to another contractor, that the accused are extending threats to the complainant. 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/petitioners 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 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