

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

BBA No. 06 of 2020

Speen Badshah vs State

ORDER
10.03.2020

Accused/petitioner on ad-interim pre-arrest bail along with his counsel present. Umar Niaz DPP for the State present. Mr. Abid Ali advocate learned counsel for the complainant along with complainant present and submitted W/N on behalf of complainant which is placed on file.

The accused/petitioner Speen Badshah s/o Malak Ameen Janan r/o Rageen Khel sub sect: Bazeet Khel Ghaljo District Orakzai is seeking the confirmation of his 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/petitioner 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/petitioner, hence the instant pre-arrest bail application.

SHUKAT ALI
DPO Orakzai
District Orakzai

Arguments for the learned counsel for the accused/petitioner and DPP 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/petitioner is charged are bailable wherein the accused/petitioner has the indefeasible right to be released on bail when he is brought before the court or appear before the court and he is ready to submit bonds for his appearance as provided u/s 496 Cr.P.C. The accused/petitioner has already submitted his bail bonds before the court and have recorded his statement after joining the investigation. The accused/petitioner is 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. Furthermore the ad-interim pre-arrest bail of co-accused in the instant case has already been confirmed by this court vide order dated 19-02-2020, therefore keeping in view the principle of consistency the accused/petitioner is also entitled for the confirmation of the ad-interim pre-arrest bail.

In view the above, the bail petition in hand is accepted and the ad-interim pre-arrest bail granted to the accused/petitioner vide order dated 29/02/2020 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
10.03.2020



(SHAUKAT ALI)
Additional Sessions Judge-II,
Orakzai at Babar Mela
SHAUKAT ALI
Add: District & Sessions Judge-II,
Orakzai at Mangan