

9

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

BBA No 67 of 2020

Habib Khan Vs State

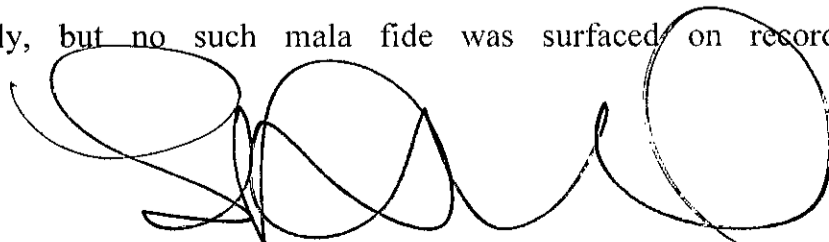
ORDER
10.12.2020

Accused/petitioner on ad-interim pre-arrest bail present. Learned counsel for the accused/petitioner present. Mr. Javid Iqbal Anwar Sr.PP for the State present. Learned counsel for the complainant along with complainant present and submitted W/N which is placed on file.

Accused/petitioner Habib Khan s/o Habib Ullah Khan R/o Jalaka Mela, cast Bezot Tehsil Lower District Orakzai is seeking the confirmation of his ad-interim pre-arrest bail in case FIR No. 18 dated 25/06/2019 U/Sec 302/324/34 PPC of PS Lower Orakzai (Kalaya) wherein the accused/petitioner is charged for the murder of deceased minor Mst; Basya Bibi by firing through fire arm weapon.

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

The record would reflect that the accused/petitioner is directly charged for firing upon the deceased as result of which she died on the spot and the accused/petitioner after the occurrence decamped from the spot and went into hiding. The accused remained absconding for a period of more than 1-1/2 years. The accused/petitioner seeking the remedy of pre-arrest bail which is a relief of extra ordinary nature has to surface on record Mala fide on the part of complainant/prosecution or the accused/petitioner has to show on the bare reading of the FIR that no offence has been committed and he has been charged falsely and mala fidely, but no such mala fide was surfaced on record by the



SHAUKAT ALI
Addl: District & Sessions Judge-II,
Orakzai at Hangu

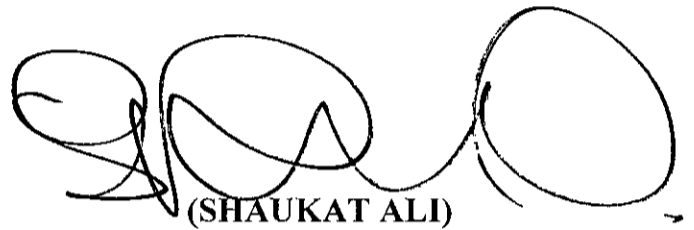
(10)

accused/petitioner who is directly charged for effective firing on the deceased which resulted the death of deceased and the accused/petitioner after the occurrence went into hiding and remained absconder, therefore in the circumstance of the case the accused/petitioner is thus failed to make out a case for the confirmation of his ad- interim pre-arrest bail.

In view the above, the pre-arrest bail petition in hand is rejected and the ad-interim pre-arrest bail granted to the accused/petitioner vide order dated 02/12/2020 is hereby recalled.

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

Announced
10.12.2020



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