

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

BBA No..... 16 of 2019

Date of Institution.....20/06/2019

Date of Decision .....25/06/2019

JANG ALI *etc*..... Vs..... STATE

**ORDER**  
**25.06.2019**

Accused/petitioners on ad-interim pre-arrest bail present. Learned counsel for the accused/petitioners present. Umar Niaz DPP for the State present. Learned counsel for the complainant along with complainant present and submitted W/N on behalf of the complainant which is placed on file.

Accused/petitioner Jang Ali s/o Ayub Khan, Nikat Ali and Muhammad Ayaz Ss/o of Jang Ali, Aftab Ali s/o Muhammd Shah r/c Mamoo Garhi Dist District Orakzai are seeking the confirmation of their ad-interim pre-arrest bail in case FIR No.15 dated 19/06/2019 U/Sec 506/34 PPC of PS Kalaya District Orakzai.

Brief facts of the case are that complainant Rasheed Khan s/o Ameer Ullah Khan reported that he along with Raza Ali, Irshad Ali, Inshad Ali were busy in cutting wheat crop, that in the meanwhile the accused/petitioner came duly arm and asked them not to cut the crop, that they started indiscriminate firing for threatening them. The motive for the occurrence is land dispute between the parties. The report of the complainant was reduced in the shape of murasila which was sent to the PS for registration of the case on the basis of which the instant FIR was registered against the accused/petitioner.



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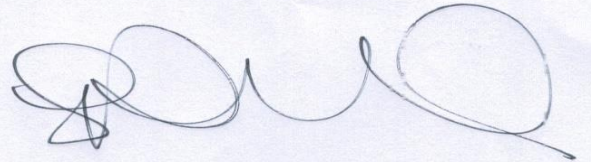
Arguments for the learned counsel for the accused/petitioners and learned DPP for the state assisted by learned counsel for the complainant heard and record perused.

The concession of pre-arrest bail is a remedy of extra ordinary nature which may only be granted when the accused could able to show mala fide or false implication on the part of the complainant or when the accused could able to show on the bare reading of FIR that no offence has been committed. Both the parties have charged each other for firing on each other and empties have also been recovered from the spot which exclude false implication or mala fide on the part of complainant. The accused failed to surface on record any mala fide or false implication which is essential for the confirmation of ad-interim pre-arrest bail, hence the case of the accused/petitioner is not arguable for the confirmation of ad-interim pre-arrest bail.

In view the above, the bail petition in hand is hereby turned down and the ad-interim pre-arrest bail already granted to the accused petitioners vide order dated 20/06/2019 is hereby recalled.

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

**Announced**  
**25.06.2019**



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