

2

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

BBA No.....17 of 2019

Anayat AliVs.....State

BBA No.18 of 2019

Zahid AliVsState

BBA No.....19 of 2019

Irshad AliVs.....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.

Through this consolidated order that is intended to dispose of three pre-arrest bail application titled above submitted by accused/petitioners Anayat Ali s/o Aieen Ali, Zahid Ali and Irshad Ali Ss/o of Ghameen Ali, r/o Mirazi District Orakzai who are seeking the confirmation of their ad-interim pre-arrest bail in case FIR No.16 dated 19/06/2019 U/Sec 506/34 PPC of PS Kalaya District Orakzai.

Brief facts of the case are that complainant Bashar Ali s/o Jang Ali reported that he along with Qasid Ali, Reehan Ali and Wahid Ali were present in the place of occurrence where the accused/petitioners along with their co-accused came and started firing on them for the purpose of criminally intimidating them, that the motive for occurrence is land dispute. The report of the complainant was reduced in the shape of murasila which

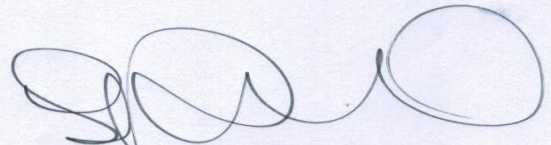
Arguments for the learned counsel for the accused/petitioners and learned DPP for the state assisted by learned counsel for the complainant heard and record perused.

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 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