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

BBA No..... 21 of 2019

Abeel etc..... Vs..... STATE

ORDER
05.09.2019

Accused/petitioner on ad-interim pre-arrest bail present. Learned counsel for the accused/petitioner present. Syed Amir Shah APP for the State present. Learned counsel for the complainant along with complainant present.

Accused/petitioners Abeel s/o Faqer Khan and Shamroz s/o Lateef r/o Sheraz Ghari Stori Khel Tehsil Lower District Orakzai are seeking the confirmation of their ad-interim pre-arrest bail in case FIR No.27 dated 20/08/2019 u/s 436,452,148, 149-PPC of PS Lower Orakzai(Kalaya).

Brief facts of the case are that the local Police during Ghasht received information in came to the spot where the complainant Mir Mat Khan s/o Khaleel Khan reported that he was present in his bargain at Anjari Bazar and at about 8:00 AM he received information from his home that some persons has entered in their house and are putting fire to the rooms of the house through petrol, that on that information he rushed to the house where he saw that accused/petitioners along with his co-accused charged in the FIR are busy in putting fire to their rooms and demolishing the house hold articles, that the inmates of the house were confined in a room due to fear and on his hue and cry his co-villager attracted to the spot and the accused decamped from the spot after the occurrence, that due to the act of the accused the complainant suffered financial loss. The motive was disclosed as land dispute with the accused. The report of the complainant was reduced in the shape of murasilla which was sent to the PS for registration of FIR

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through Constable Sadiq on the bases which instant FIR was registered against the accused.

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

The grant of pre-arrest bail is a relief of extra ordinary nature which is only extended in exceptional circumstances where the accused is able to show mala-fide on the part of prosecution or when it is shown on the bare reading of the FIR that no offence has been committed. The accused/petitioners are charged for the commission of offence in the FIR and the accused/petitioners could not surface on record any mala-fide on the part of complainant or prosecution as in the absence of mala-fide the accused cannot claim the relief of pre-arrest bail. The accused/petitioners are thus failed to make out a case for the confirmation of their ad- interim pre-arrest bail.

In view the above, the bail petition in hand is rejected and the ad-interim pre-arrest bail granted to the accused/petitioner vide order dated 22/08/2019 is hereby record.

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

Announced
05.09.2019



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

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