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

BBA No. 28 of 2019

Noor Janan etc Vs State

BBA No. 29 of 2019

Saeed Ullah etc Vs State

**ORDER**  
**15.11.2019**

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

This consolidated order is intended to dispose two bail before arrest  
petitions bearing Nos. 28 of 2019 and 29 of 2019 filed by the  
accused/petitioners Noor Janan and Habib -u-Rehman Ss/o Abdul Rehman,  
Saeed Ullah s/o Abdul Rehman and Muhammad Shanif s/o Gul Janan r/o  
Mishti Tappa Mamo zai Totha Mela District Orakzai in case FIR NO. 34  
dated 30/09/2019 u/s 302/311/201/34 PPC PS Lower Orakzai.

Brief facts of the case are that on 30/09/2019 Mujahid Khan SHO  
received information that Jumma Khan s/o Abdul Rehman, Fazal Janan s/o  
Habib u Rehman r/o Totha Mela killed Mst: Hajra Bibi w/o Muhammad  
Shanif due to her illicit relationship with one Farooq s/o Zaman Shah and  
buried her, that on that information he along with Hakim Ali, Aftab Khan  
ASIs, Sadar Ali, Akhlaq Ali HCs and other police Nafri rushed to the spot  
where they inquired about their occurrence and came to know that Jumma  
Khan s/o Abdul Rehman and Fazal Janan s/o Habib u Rehman r/o Totha Mela  
committed the murder on account of honour and buried the dead body. The  
complainant drafted the Murasila which was sent to the PS as a special report  
through Sadar Ali for registration of FIR against the accused. The case was

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investigated and during investigation the accused/petitioners along with other accused were also charged for the murder of Mst: Hajra Bibi, hence the instant pre-arrest bail petitions were submitted by the accused/petitioners.

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

The perusal of record would transpire that it is an honour killing for which the accused/petitioners are charged during the investigation of the case. The confession statement of co-accused and available record shows that the occurrence has taken place. The accused/petitioners were required to show mala fide on the part of prosecution for their involvement in the instant case which is essential while seeking the remedy of pre-arrest bail. The accused/petitioners could not surface on record any mala-fide on the part of prosecution as in the absence of mala-fide the accused are not entitled for 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/petitioners vide orders dated 06/11/2019 and 09/11/2019 is hereby recalled.

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

**Announced**  
**15.11.2019**

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