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

BBA No. 39 of 2020
Sardar Khan Vs STATE
BBA No. 41 of 2020
Malak Abdulmat Khan Vs STATE

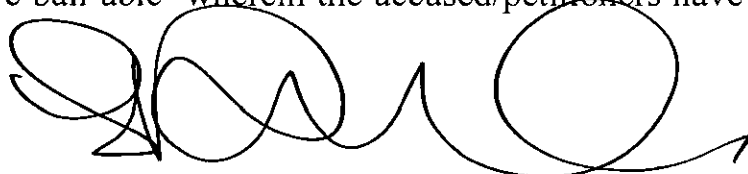
ORDER
18.07.2020

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

This consolidated order is intended to disposed of two pre-arrest bail applications titled above submitted by accused/petitioners Sardar Khan s/o Ahmad Shah R/O Qom Feroz Khel, Tappa Qeemat Khel, Shna Naka, Malak Abdul Mat Khan s/o Malak Muhammad Marjan, Haliq Jan s/o Asghar Khan, Zar Janan s/o Malak Janan, Noor Sharif s/o Muhammad Shareef and Roshan Khan s/o Taj Muhammad R/O Qom Feroz Khel Lower District Orakzai seeking the confirmation of their Ad-interim pre-arrest bail in case FIR No. 32 dated 24/04/2020 u/s 341/147/149/186/189/188 PPC of PS Lower District Orakzai wherein the accused/petitioners are charged for blocking of road due to dispute among various tribes on the construction of market and partition of landed property and also charged for violation of order issued by DC Orakzai u/s 144 Cr.PC.

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 the offences u/s 341/147/149/186/189 PPC for which the accused/petitioners are charged are bail able wherein the accused/petitioners have the right to



be released on bail, whenever they are brought before the court or appear before the court as provided u/s 496 Cr.PC. So for as section 188 PPC is concerned there is no complaint by the DC Orakzai regarding violation of his order issued under 144 Cr.PC by accused/petitioners. Section 195 Cr.PC provides that no court shall take cognizance of offences punishable u/s 172 to 188 PPC except on the complaint in writing of the public servant whose order is violated or some other public servant to whom he is subordinate whereas in the present case no such complaint is lodged by the officer concerned which shows mala fide on the part of complainant. Furthermore the accused/petitioners have joined the investigation and are no more required for the purpose of further investigation, therefore sending the accused behind the bar would serve no useful purpose, hence the case of the accused/petitioners is arguable for the confirmation of ad-interim pre-arrest bail.

In view of the above both the bail petitions in hand are accepted and the ad-interim pre-arrest bail granted to the accused/petitioners vide orders dated 15/07/2020 and 16/07/2020 are hereby confirmed on the strength of existing bail bonds.

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

Announced
18.07.2020


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