

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

BBA No. 71 of 2021

Gul Ajab Khan etc vs State

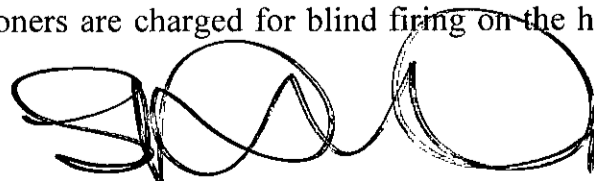
ORDER
14.01.2021

Accused/petitioners on ad-interim pre-arrest bail along with Mr. Sajid Rehman Khattak Advocate learned counsel for the accused/petitioners present. Mr. Ihtisham Anwar Khattak Advocate, learned counsel for complainant along with Sherin Khan father of the complainant present. Mr. Javid Iqbal Sr.PP for the state present.

The accused/petitioners Gul Ajab Khan S/o Noor Muhammad, Shaukat Khan, Wajid Khan Ss/o Khyali Khan, Rizawan Ullah S/o Zafar Khan R/o Zara Mela Jarma Kohat and Ameer Ajab Khan s/o Zarman Shah R/o Lak Kary Qoam Shiekhan Tappa Umar Zai Lower District Orakzai are seeking the confirmation of their ad-interim pre-arrest bail in case FIR No.128 dated 21/12/2020 u/s 506/447/148/149 PPC PS Lower Orakzai (Kalaya) wherein the accused/petitioners are charged for setting fire to Hashish crop of complainant and blind firing on the house of complainant for the purpose of criminal intimidation.

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

The record would show that it was an unseen occurrence which allegedly took place at night time for which unknown persons were charged by the complainant in his application submitted to the SHO PS concerned. The accused/petitioners were later on charged by the complainant in his supplementary statement recorded u/s 164 Cr.PC with a delay of 14 days wherein no source of satisfaction was shown by the complainant. The accused/petitioners are charged for blind firing on the house of complainant

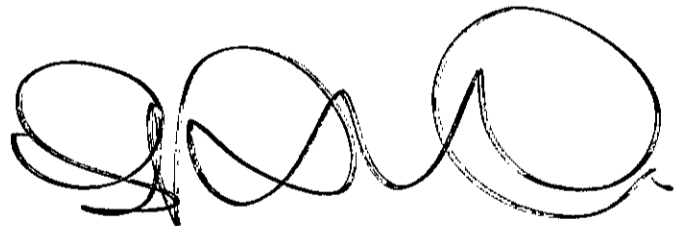

 SHAIKAT ALI
 Addl. District Sessions Judge-II
 at Haripur

for the purpose of criminal intimidation. Except the statement of complainant nothing is available on file to prima facie connect the accused/petitioners with the commission of offence. The offences for which the accused/petitioners are charged are bailable under the schedule-II of the Cr.PC and u/sec 496 Cr.P.C, the accused/petitioners have the right to be released on bail in all offences which are bailable, whenever the accused are brought before the court or appear before the court. The accused/petitioners have already submitted their bail bonds for their appearance before the court and joined the investigation, hence 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. Reliance is placed on 2018 PCr LJ Note 47 (Peshawar).

In view the above, the bail petition in hand is accepted and the ad-interim pre-arrest bail granted to the accused/petitioners vide order dated 04/01/2021 is hereby confirmed on the strength existing bail bonds.

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

Announced
14.01.2021



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