

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

BBA No. 43 of 2021
Muhammad Luqman Vs State

ORDER
06.04.2021

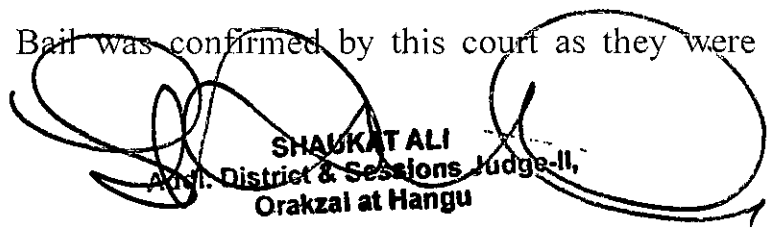
Accused/petitioners on ad-interim pre-arrest bail along with their counsel present. Mr. Amir Shah APP for the State present.

The accused/petitioner Muhammad Luqman s/o Abdul Kamal R/o cast Rabia Khel, Ismailzai Tehsil Upper Giljo District Orakzai, is seeking the confirmation of his ad-interim pre-arrest bail in case FIR 06. Dated 31-01-2021 u/sec 302/324/436/353/427/148/149 PPC PS Upper Orakzai (Ghiljo) wherein three deceased persons were murdered and two other persons got injured during counter firing by tribes on dispute over the construction of two rooms in the disputed landed property *Mula Patay*, Ghiljo District Orakzai.

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

The accused/petitioner was traced with the help of video clip during investigation in the instant case wherein the accused/petitioner is charge for the commission of offense. The extra ordinary concession of pre arrest bail can only be extended to the accused/petitioner when the accused could able to surface on record mala fide on the part of complainant or prosecution for charging him, however the accused/petitioner could not pointed out any Mala fide on the part of prosecution. The case

of accused/petitioner is not at far with that the accused/petitioner whose Bail was confirmed by this court as they were only Jirga


SHAIKAT ALI
Addl. District & Sessions Judge-II,
Orakzai at Hangu

member and were not charged by the complainant party. Furthermore, the accused/petitioner is yet to be interrogated for the purpose of digging out the fact of the case, hence the case of the accused/petitioners is not arguable for the confirmation of ad-interim pre arrest bail.

In view the above, the pre-arrest bail petition in hand is rejected and the ad-interim pre-arrest bail granted to the accused/petitioners vide order dated 01/04/2021 is hereby recalled.

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

Announced
06.04.2021



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