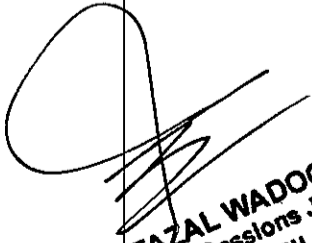


Court of Additional Sessions Judge, Orakzai at Baber Mela

Case Title: Haji Marwat Vs State. BBA. 71/4 of 2021

Serial No of order or proceedings	Date of Order Proceedings	Order or other Proceedings with Signature of Judge or Magistrate and that of parties or counsel where necessary
1	2	3
Order	14.07.2021	<p>Jabir Hussain Advocate and Insaf Ali Advocate are representing accused/petitioners; Amir Shah APP for the State are in attendance. Complainant did not put appearance despite being served personally.</p> <p>2. This is the disposal of petition for Pre-Arrest Bail presented through counsel on behalf of accused Haji Marwat Khan, charged in FIR bearing No.47 Dated 09-04-2021, registered under Sections 337-A(ii),337-F(i),506,148,149 of the Pakistan Penal Code 1860, in Police Station Kalaya Lower Orakzai.</p> <p>3. Allegations are that accused along with co-accused assembled at the spot and restricted the complainants from cultivation of the agricultural property possessed by the complainant. He has been beaten by the accused; wherefrom, he sustained injuries. It is also alleged that accused extended threats of dire consequences and criminally intimidated the complainant. The matter was reported to Police and resultantly criminal law was brought into motion by registration of case articulated above. Four out of five accused, on rejection of their petition for pre-arrest bail have been remanded to Judicial Lockup and later on released on post arrest bail by learned Judicial Magistrate Orakzai. One of the accused is petitioner in petition for pre arrest bail, which is under consideration.</p> <p>4. In cases of bail before arrest there must be allegation of mala fide and ulterior motive which should prima facie be substantiated by material on record. The accused/petitioner neither could surface on record any mala fide nor could place on record any material to substantiate any mala fide on the part of complainant. On the other hand the accused/petitioner is charged for causing injuries to the complainant party as evident from medical reports of the</p>

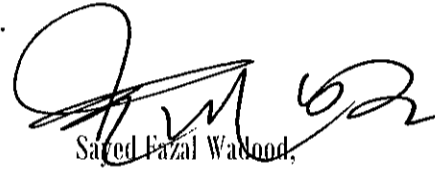

SAYED FAZAL WADOOD
 Addl: District & Sessions Judge
 Orakzai at Hangu

injured Muhammad Nawaz, Sadam Hussain and Muhammad Bakhtiar which exclude mala fide on the part of complainant. Furthermore the occurrence has not been denied by both the parties; therefore, admittedly the occurrence has taken place, hence in the circumstance of the case the accused/petitioner failed to make out a case for the confirmation of his ad- interim pre-arrest bail.

5. In view the above, the pre-arrest bail petition in hand is rejected and the ad-interim pre-arrest bail granted to the accused/petitioner vide Order dated 17/05/2021 is hereby recalled.

6. File be consigned after completion and compilation to District Record Room Orakzai, within span allowed for.

7. Announced in open Court.



Sajed Fazal Wadood,
AD&SJ, Orakzai at Baber Mela