

IN THE COURT OF SHAUKAT AHMAD KHAN
SESSIONS JUDGE, ORAKZAI AT BABER MELA

Bail Application No : 164/4 of 2021
Date of Institution : 06.09.2021
Date of Decision : 08.09.2021

MUHAMMAD SAEED VS THE STATE

ORDER

DPP, Umar Niaz for State and Mr. Ahmad Rahi Advocate for accused/petitioner present. Arguments heard and record gone through.

2. Accused/petitioner, Muhammad Saeed seeks post-arrest transit bail u/s 86 Cr.P.C read with section 497 Cr.P.C in case FIR No. 918, dated 13.08.2021, registered U/S 365-B PPC at Police Station Malir Cantt, Karachi, Sindh wherein he is for abduction of Marvi, the daughter of the Nabi Bakhsh.

3. At the very outset learned DPP for the state submitted that the accused/petitioner has already been

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Shaukat Ahmad Khan
Sessions Judge
Orakzai at Baber Mela


ordered to be removed in custody to the court of Concerned Magistrate who has issued the warrant.

When the learned counsel for the accused/petitioner was confronted with the aforementioned situation, he admitted that the order for removal of the accused in custody has been passed, however he submitted that the said order is illegal and null in the eyes of law. In view of the aforementioned situation, as the accused/petitioner has already been ordered to be removed in custody to the court of concerned

Magistrate who has issued the warrant while the vires of the order of removal is not subjudice before this court therefore, it is held that the instant petition has become infructuous, hence dismissed.

4. File be consigned to Sessions Record Room for after further necessary compilation and completion.

Announced
08.09.2021


SHAUKAT AHMAD KHAN)
Sessions Judge, Orakzai
at Baber Mela, Hangu