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

BBA No. 84/4 of 2023

Dilawar Khan etc. Vs State


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 No.8	04.12.2023	<p>Accused/petitioners on ad-interim pre-arrest bail along with counsel present. Complainant along with counsel and Dy.PP for State are also in attendance.</p> <p>2. Through this order accused/petitioners Dilawar Khan son of Laiq Shah, Habeeb Ullah son of Muhammad Shah and Saeed Khan son of Jaman Shah all residents of Qaum Ali Khel, Tappa Sher Khel, District Orakzai seek confirmation of their pre-arrest bail in case FIR No. 18 dated 01-10-2023, registered at Daboori Police Station, Orakzai under sections 302/34 of the Pakistan Panel Code-1860.</p> <p>3. Abdul Ghaffar, complainant, reported that on eventful day he was present in his home and reciting the Holy Quran when at about 1500 hours heard fire shots; that in the meantime his brother Arif Shah rang and informed him that someone has killed their brother Alif Shah with firearms; that on said information, he went to the spot and found his brother Alif Shah besmeared with blood died there; that they had no enmity with anyone, therefore, charged unknown accused for the murder of his brother, hence, the FIR. The accused/petitioners presented instant pre-arrest bail petition, which is under consideration.</p> <p>4. Arguments of learned counsel for accused/petitioners, Dy.PP for State and learned counsel for complainant heard and record perused.</p> <p>5. This is important to note that accused/petitioners were granted ad-interim bail on 26-10-2023 with direction to join investigation, however, despite lapse of more than month time, they had not joined the police investigation as per police report. Besides, learned counsel for accused/petitioners could not point out any malafide or ulterior motive on part of police or complainant for their false implication in the present case. In the absence of malafide, false implication and ulterior motive, which is condition precedent for grant of bail before arrest, the accused/petitioners are not entitled to extraordinary concession of pre-arrest bail. Hence, I am not inclined to extend extraordinary concession of pre-arrest bail to</p>


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 Addl. District & Sessions Judge
 Orakzai at Babar Mela

accused/petitioners, therefore, their application is dismissed and interim bail already granted to them is hereby recalled. SHO concerned be informed accordingly.

6. Record be returned along with copy of this order and file of this court consigned to record room after necessary completion and compilation.

Announced
04.12.2023


Abdul Basit
Addl. Sessions Judge,
Orakzai