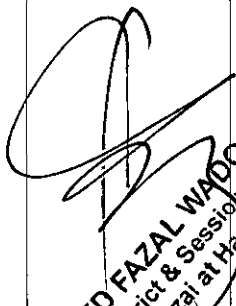


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IN THE COURT OF ADDITIONAL SESSIONS JUDGE ORAKZAI, AT BABAR MELA

BBA No. 91/4 of 2022
Abdul Salam 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	30.09.2022	<p>Accused/petitioner on ad-interim pre-arrest bail present. Counsel for accused and APP for State are in attendance.</p> <p>2. This is the disposal of Pre arrest bail application presented by accused/petitioner Abdul Salam son of Syed Salam, resident of Qaum Mala Khel, Tappa Char Khela, Daboori, Tehsil Upper Orakzai of District Orakzai.</p> <p>3. Complainant reported that he along with his father, were busy in his own land for the purpose of ploughing in his property with a tractor. The accused duly armed with sticks and axes while present principal accused/petitioner Syed Salam took his Pistol and started firing upon the complainant and his father due to which complainant sustained injuries and his father luckily escaped. Motive behind the act is civil dispute between the parties. This was the story of complainant that was forwarded by Additional SHO through Murasila converted into FIR bearing No. 12 dated 28.04.2022, registered under section 324/148/149 of the Pakistan Penal Code, 1860, in Police Station Daboori. Accused/petitioner Abdu Salam presented instant pre-arrest bail petition, which is under consideration.</p> <p>4. Arguments of counsel for the accused/petitioner and learned APP for State heard and record perused.</p> <p>5. On tentative assessment of record, it reveals that motive of previous enmity is existing. Petitioner has specifically been named in the contents of FIR. Incriminating material has been recovered from the spot. Above all, neither mala fide nor intention to disgrace, humiliation, harassment and dishonor on part of the complainant or prosecution is being surfaced. It is not out</p>

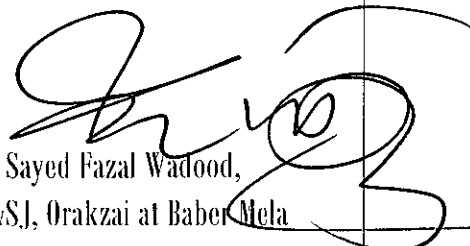

SAYED FAZAL WADOOD
Additional District & Sessions Judge
Orakzai at Haragu

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of place to mention that earlier petition for grant of pre-arrest bail has already been dismissed and presentation of such bail petition is not maintainable. The relevant part of "Azam Saleem vs Stata" reported as PLD 2021 Supreme Court 894 is reproduced herein below for ease of reference and comprehension. *"Second pre-arrest bail petition filed after dismissal of the first pre-arrest bail petition for non-appearance of the accused and lack of his satisfactory explanation for his non-appearance in the earlier pre-arrest bail petition, such second pre-arrest bail petition was not maintainable."*

6. For what has been discussed above, instant pre arrest bail petition stands dismissed. Ad-interim pre arrest bail earlier granted to the accused/petitioner is hereby recalled. File of this Court be consigned to District Record Room after its necessary completion and compilation within the span allowed for; whereas, copy of this Order be placed on record of Police to be returned accordingly.

7. Announced in open Court.


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