

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

BBA No. 95/4 of 2021

Umar Daraz 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	29/10/2022	<p>Accused/petitioner on ad interim pre-arrest bail and Mr. Zubair APP for State are in attendance.</p> <p>2. This is the disposal of Pre arrest bail application presented by accused/petitioner Umar Daraz son of Khana Din resident of Buland Khel, District Orakzai.</p> <p>3. Rohul Ameen ASI of Police Station Ghiljo, Orakzai reported the matter that he along with other police officials namely Ghani Rehman, Asad Ullah, Mati Ullah and Abdul Hameed were on patrolling of the area (Muhalla Lodhiani Baland Khel); where, accused namely Umar Daraz, Jan Sher and Alam Sher duly armed appeared and aimed their rifles over them and threatened them for restraining from the patrolling of their area. This was the story of complainant that was forwarded through Murasila converted into FIR bearing No. 19 dated 25-09-2022, registered under section 506/186/189/34/121/121-A of the Pakistan Penal Code, 1860, in Police Station Ghiljo. Accused Umar Daraz 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. This being stage of bail is neither supposed for considering deep appreciation of evidence nor can the observation of the Court affect the merits of the case in trial. The Investigation Officer namely Abdul Malik Sub Inspector, Police Station Ghiljo is before the Court and stated that the petitioner is of old age and he has handed over his both sons being co-accused in the case to Police voluntarily. Petitioner has also convened Jirga of the Qaum and publically sought pardon and collectively affirmed that</p>

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

they will abide by law. Therefore, the complainant party (Police Department) has got no objection over the grant of bail. Co-accused have already been released on regular bail and thus rule of consistency can also be attracted. It is further observed that Section-121 and 121-A of Pakistan Penal Code, 1860 have been inserted without the complaint and authority of the Federal or Provincial Government. Moreso, putting accused behind the bar by cancellation of BBA and again releasing him on regular bail will serve no purpose at all.

6. For what has been discussed above, the instant BBA petition is accepted and resultantly, ad-interim pre-arrest bail, already granted to the accused/ petitioner is confirmed on the existing bail bonds. Local police be informed accordingly. Record alongwith copy of this order be returned to the quarter concerned whereas, file of this Court be consigned to District Record Room after completion and compilation within span allowed for.

7. Announced in open Court.



**SAYED FAZAL WADDOOD**  
Additional Sessions Judge  
Orakzai at Baber Mela