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**IN THE COURT OF ABDUL BASIT
ADDITIONAL SESSIONS JUDGE-II, ORAKZAI**

Petition No. 26/4 of 2024

"Muhammad Kareem etc... Versus ... The State"

Order---05

07.05.2024

Accused/petitioners on ad-interim pre-arrest bail are present.

Complainant Abdur Rauf in person and DyPP for the State are in attendance. Accused/petitioners have submitted wakalatnama in favor of Mr. Shaheen, advocate.

Accused/petitioners Muhammad Kareem, Adil Rehman and Jamshed Khan seek confirmation of their pre-arrest bail provisionally granted to them in FIR no. 07 dated 13.04.2024 under Section 506/188 PPC of Ghiljo Police Station, Orakzai.

Brief facts of the case as per report are that complainant alongwith other police officials laid barricade on Ghiljo to Daboori road to check all types of vehicles; that in the meanwhile, chairman Muhammad Kareem, Muhammad Adil, Jamshed Khan and other 3/4 persons approached them and inquired as to why they had laid barricade and were checking the tourists; that during exchange of words, accused/petitioners threatened the police and used abusive language as well as intercepted in discharge of their official duties, hence, FIR.

Viewing the arguments advanced by learned counsel for the parties and record on file, it is held that the incident has not been witnessed by any independent person. The motive behind the offence appears to be dubious. Neither script of the alleged speech nor the photography and videography of the procession have been collected. There is no evidence except the mere allegations, which does not rule out the possibility of false implication of the accused/petitioners in the instant case. There is not sufficient incriminating

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07/05/2024
Abdul Basit
Addl. District & Sessions Judge-II
Orakzai in Baber Mela,
Hangu

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Contd--05

07.05.2024

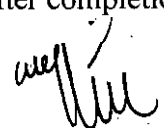
material available on file to connect the accused/petitioners with the commission of offence. Refusal of pre-bail would bring no fruitful result except it will bring the humiliation to accused/petitioners. Above all, complainant appeared before the court and alleged that compromise has also been effected between them and he has no objection if bail before arrest of accused/petitioners is confirmed, which though was not permissible under the law but brought on file.

Importantly considerations for grant of pre-arrest bail are not at all different from the considerations for grant of post arrest bail, as far as merits of the case are concerned. The only difference is that there must be additional basis of humiliations, harassment, malafide, intention to disgrace and dishonor. If a person is otherwise entitled to bail, no useful purpose shall be served by putting him firstly behind bars and then allowing him bail. Court has to keep a balance, therefore, if a fit case for grant of bail is made out, bail before arrest can be allowed in appropriate cases. (Reliance is placed on 2012 PCrLJ 430 [Sindh]). Similarly arrest for ulterior motives such as humiliation and unjustified harassment is a valid consideration for grant of pre-arrest bail. (Wisdom is drawn from 1993 PCrLJ 446 and 2008 MLD 805 [Karachi])

Resultantly, application submitted by accused/petitioners for pre-arrest bail is hereby allowed and ad-interim bail already granted to them is confirmed on the existing bail bonds. Copy of this order be placed on judicial and police files for record.

Record returned alongwith copy of this order and file of this Court consigned to record room after completion & compilation.

Announced
07.05.2024


(Abdul Basit)
Addl. Sessions Judge-II, Orakzai