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

Petition No. 64/4 of 2024

"Habib Khan etc. ... Versus ... The State"

Order---03
01.07.2024

Accused/petitioners on ad-interim pre-arrest bail along with counsel are present who submitted wakalatnama.

Complainant despite service is not in attendance.

DPP for state is present.


Accused/petitioners Habib Khan and Shah Fayaz seek confirmation of their pre-arrest bail provisionally granted to them in case FIR no. 46 dated: 15.06.2024 under Section 324 PPC of Kalaya Police Station, Orakzai.

Arguments heard and record perused.

Tentative assessment of record reveals that the accused/petitioners have been nominated in the instant case. 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 accused/petitioners, therefore, their application is dismissed and interim bail already granted to them is hereby recalled. SHO concerned be informed accordingly.

Record be returned alongwith copy of this order and file of this Court consigned to the Record Room after its completion and compilation.

Announced
01.07.2024


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