

**Order No. 05**  
19.05.2020

DPP, Umar Niaz for the state present. Accused Najeeb ur Rehman s/o Malak Gul Muhammad Khan on ad-interim bail with counsel present. Record already received. BBA be entered in the relevant register. Arguments heard and record perused.

(2). Through the instant Bail Before Arrest petition, accused/petitioner Najeeb ur Rehman requested the confirmation of interim bail in case FIR no. 18 dated 27.04.2020 u/s 506/188/186/189 PPC and section 33 of NDMA Act of PS Upper Orakzai, wherein he is charged by the complainant/Assistant Commissioner Orakzai Upper for refusing to disperse despite section 144 Cr.P.C being imposed in the District, using abusive language, scuffling with the gunners of the complainant, extended threats and refusing to shut down the shop/bazar when directed by the complainant due to Covid-19.

*Umar Niaz*  
*19.5.20*  
ASIM SHAH  
Sessions Judge  
Orakzai  
District Hangu

(3). From the arguments and record available on file, it reveals that the time of occurrence has been shown in the Murasila as 13:15 hours whereas as per notification of the Provincial Government dated 24.04.2020, the shops were directed to be remained open till 04:00pm. As such issuance of directions for closure of the shop at 13:15 hours were not within the ambit of the directions of the Provincial Government. The alleged threats extended were threats simpliciter as such part first of section 506 PPC is attracted which is bailable while sections 186, 189 PPC and section 33 of NDMA Act, 2010 are also bailable in nature. Section 188 PPC though non-bailable yet carries punishment only up to 2 years as such none of the sections of law attracts the prohibitory laws of sections 497 Cr.P.C. The accused/petitioner has already joined the investigation and he is no more required for further investigation besides nothing is to be recovered from his possession as such the recalling of bail for observing certain codal formalities would not be justifiable. Thus, further inquiry would be attracted to the case of accused/petitioner and accordingly he is entitled for the confirmation of the interim bail in his favour.

(4). Therefore, in the light of above, the BBA in hand stands accepted and ad-interim bail earlier granted to the accused/petitioner stand confirm on existing bonds.

(5). File be consigned to Sessions Record Room after further compilation and completion

**Announced**  
19.05.2020

  
**(ASGHAR SHAH)**  
Sessions Judge,  
Orakzai at Baber Mela.  
19.5.20