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

BBA No. 50 of 2020

Naqeeb Ullah Vs State

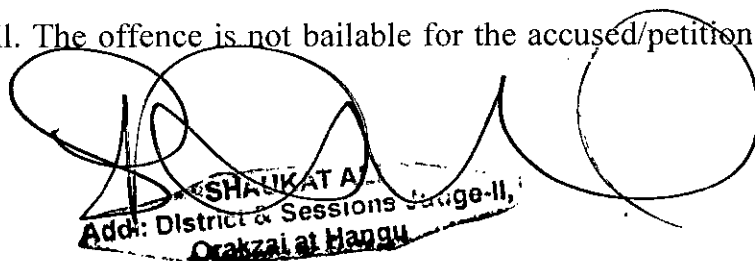
ORDER
10.09.2020

Accused/petitioner on ad-interim pre-arrest bail present. Learned counsel for the accused/petitioner present. Syed Amir Shah APP for the State present. Learned counsel for the complainant along with complainant party present.

Accused/petitioner Naqeeb Ullah s/o Main Khan R/o Shakar Tangi, Saifal District Lower Orakzai is seeking the confirmation of his ad-interim pre-arrest bail in case FIR No.57 dated 10/06/2020 U/Sec 302 PPC of PS Lower Orakzai (Kalaya), wherein the Accused/petitioner is charged by the complainant in his statement recorded u/s 164 Cr.PC during investigation for the murder of his son deceased Asif-ur-Rehman.

Arguments of the learned counsel for the accused/petitioner and learned APP for the state assisted by learned counsel for the complainant heard and record perused.

The grant of pre-arrest bail is a relief of extra ordinary nature which is only extended in exceptional circumstances where the accused is able to show mala-fide on the part of prosecution or when it is shown on the bare reading of the FIR that no offence has been committed. The accused/petitioner is charged for a heinous offence of murder of deceased and the accused/petitioner is yet to be interrogated for digging out the facts of the case. The accused/petitioner could not surface on record any mala-fide on the part of complainant or prosecution as in the absence of mala-fide the accused cannot claim the extra ordinary relief of pre-arrest bail. The offence is not bailable for the accused/petitioner on the ground


SHAIKAT ALI
Add: District & Sessions Judge-II,
Orakzai at Hangu

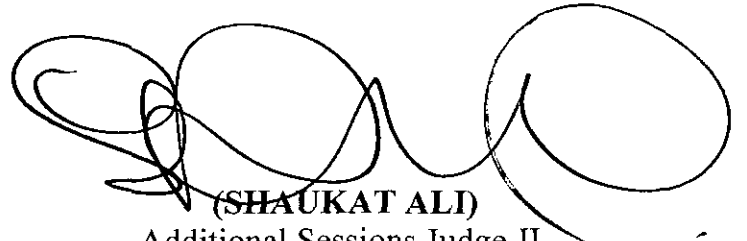
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of juvenility as the offence falls within the category heinous offence. Furthermore the physical appearance of accused/petitioner shows that he has attained sufficient maturity of understanding, the accused/petitioner thus failed to make out a case for the confirmation of his ad- interim pre-arrest bail.

In view the above, the pre-arrest bail petition in hand is rejected and the ad-interim pre-arrest bail granted to the accused/petitioner vide order dated 04/09/2020 is hereby recalled.

File of this Court be consigned to record room after its necessary completion and compilation.

Announced
10.09.2020



(SHAUKAT ALI)
Additional Sessions Judge-II,
Orakzai at Babar Mela