

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

BBA No 57 of 2020

Khadim Gul Vs State

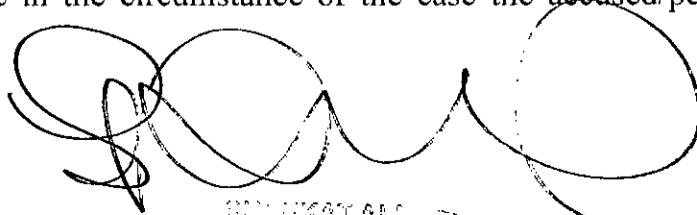
ORDER
15.10.2020

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 Khadim Gul s/o Badshah Gul R/o Tribe Sada Khel, Tappa Suliman Khel Ghondaki Tehsil Upper District Orakzai is seeking the confirmation of their ad-interim pre-arrest bail in case FIR No.47 dated 23/09/2020 U/Sec 302/324/34 PPC of PS upper Orakzai (Ghiljo) wherein the accused/petitioner is charged for the murder of deceased Umar Farooq s/o Zaiman Shah through fire arm weapon.

Arguments for 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 counsel for accused mainly argued that the accused/petitioner was not present at the time and place of occurrence, however while seeking the remedy of pre-arrest bail being a relief of extra ordinary nature the accused/petitioner has to surface on record Mala fide on the part of complainant/prosecution or the accused/petitioner has to show on the bare reading of the FIR that no offence has been committed and he has been charged falsely and mala fidely, but no such mala fide was surfaced on record by the accused/petitioner who is directly charged for effective firing on the deceased which resulted the death of deceased, therefore in the circumstance of the case the accused/petitioner is thus



SUDHAKAR ALI
Addl. Dist. J. Sessions Judge-II,
Orakzai at Mangou

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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 29/09/2020 is hereby recalled.

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

Announced
15.10.2020



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