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

BA No 69 of 2020

Habib Khan Vs State


**ORDER**  
**21.12.2020**

Mr. Mudasir Ijaz Advocate counsel for accused/petitioner. Mr. Javid Iqbal Anwar Sr.PP for the State present. Complainant with Mr. Haseeb Ullah Advocate learned counsel for the complainant present and submitted W/N on behalf of complainant.

Accused/petitioner Habib Khan s/o Habib Ullah Khan R/o Jalaka Mela, cast Bezot Tehsil Lower District Orakzai is seeking his release on bail in case FIR No. 18 dated 25/06/2019 U/Sec 302/324/34 PPC of PS Lower Orakzai (Kalaya) wherein the accused/petitioner is charged for the murder of deceased minor Mst; Basya Bibi by firing through fire arm weapon.

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

The tentative assessment of record would reflect that the accused/petitioner is directly charged with specific role of firing upon the deceased Mst; Basya Bibi as result of which she got hit and died on the spot. The fire arm injuries on the body of deceased is supported by medical report which shows fire arm injuries on the deceased. The accused/petitioner on available record is prima facie connected with the commission offence which disentitles him for the grant of bail. Besides the accused/petitioner after the occurrence went into hiding

  
SHAUKHA ALI  
Addl District & Sessions Judge-II,  
Orakzai of Baloch

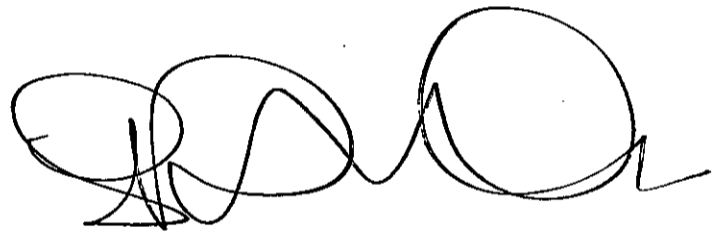
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and remained absconding for a period of more than 1-1/2 years without any explanation and was declared as proclaimed offender by issuing perpetual warrant of arrest against him vide judgment dated 05-03-2020 of Hon'ble Sessions Judge Orakzai. Fugitive from law loses some of his normal right available to him under the law, therefore lengthy abscondance of accused/petitioner disentitles him to seek the concession of bail. The offence for which the accused/petitioner is charged does fall within the prohibitory clause of section 497 Cr.PC, hence this court is not inclined to release the accused/petitioner on bail.

In view the above, the bail petition in hand is devoid of merits stands dismissed.

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

**Announced**  
**21.12.2020**



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