

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

BBA No. 08 of 2020

Abdul Khan VS State

ORDER
22.04.2020

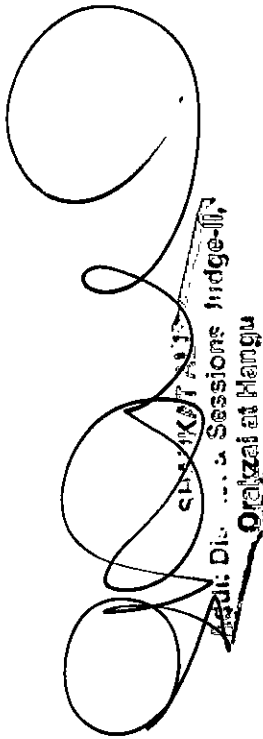
Accused/petitioner on ad-interim pre-arrest bail along with his counsel present. Syed Amir Shah APP for the State present. Mr. Abid Ali learned counsel for the complainant along with complainant present and submitted W/N on behalf of complainant.

Accused/petitioner Abdul Khan s/o Mir Afzal Khan r/o Tappa Meer Was Khel Upper Orakzai District Orakzai is seeking the confirmation of his ad-interim pre-arrest bail in case FIR No.10 dated 15/03/2020 u/s 379.427.447.147.149 PPC of PS Upper Orakzai (Ghiljo).

Brief facts of the case are that the accused/petitioner along with his co-accused are charged by the complainant that they have cut 1500 to 2000 walnut trees roots by extracting Dandasa from the property owned by the complainant and selling the same. The FIR was registered against the accused/petitioner and his co-accused after his application u/s 22-A Cr.PC was allowed vide order dated 13-03-2020 by the Hon'ble Sessions Judge Orakzai.

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

The accused/petitioner is seeking the confirmation of ad-interim pre-arrest bail which is a remedy of extra ordinary nature for which the accused has to show mala fide and false implication on the part of the complainant or prosecution or the accused has to show that no offence what so ever has been


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committed by the bare reading of FIR. The accused/petitioner is specifically nominated by the complainant in his report and the accused could not surfaced on record any mala fide on the part of the complainant, therefore in the absence of mala fide which is sine qua non for the confirmation of bail this court is not inclined to confirm the ad-interim pre-arrest bail granted to the accused/petitioner.

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 21/03/2020 is hereby recalled.

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

Announced
22.04.2020



(SHAUKAT ALI)

Additional Sessions Judge-II,
Orakzai at Babar Mela

SHAUKAT ALI
Addl District & Sessions Judge
Orakzai