

Or 03
05-07-2019

Present:

Accused/petitioner on interim bail along with Naimat Ullah Advocate

Complainant and widow of deceased along with Haseeb Ullah Khan Advocate, who submitted Wakalatnama which is placed on file APP Zohaib Ahmed Sher for State

The accused/petitioner **Shams ur Rehman** s/o Muhammad Ghulam, r/o Shawa Mela, Karaiz, Kalaya Orakzai; has filed the instant **pre-arrest bail** petition in case **FIR No. 13** dated 15-06-2019, wherein he has been charged, along with another co-accused, u/s **302/34 PPC** of PS Lower Orakzai (Kalaya).

The accused/petitioner, along with his son Muharram Ali, is charged in the commission of murder of one Naimat Ali. The accused/petitioner is alleged to have raised Lalkara.

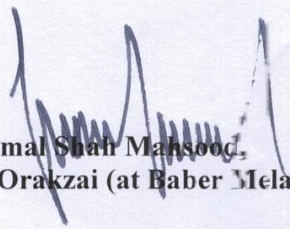
The accused/petitioner filed the instant petition seeking pre-arrest bail by contending malafide and false implication on behalf of complainant and local police.

Arguments of learned counsels and APP for the State heard, record perused. The tentative assessment of which show that:

1. The counsel for accused/petitioner could not point out any malafide of complainant or local police in nomination of the accused/petitioner.
2. The points raised by the counsel for the accused/petitioner cannot be considered at this stage, without establishing of malafide first.

In these circumstances, pre-arrest bail petition of the accused/petitioner is **dismissed**. Let copy of this order be placed on record on the same be returned to the quarter concerned while file of this Court be consigned to the record room after necessary completion and compilation.

Announced
05-07-2019


Jamal Shah Mahsood,
ASJ-I, Orakzai (at Baber Mela)