

Or 04
18-06-2020

Present:

Accused/petitioner on interim bail, along with Akbar Yousaf Khalil, Advocate

Complainant along with Fawad Hussain Advocate

DPP Umar Niaz for State

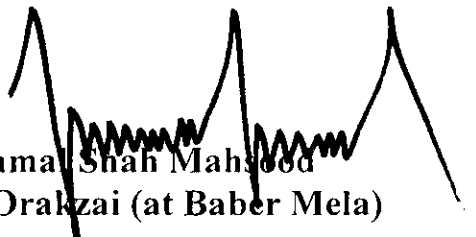
This order shall dispose of **pre-arrest bail** application of the accused/petitioner **Syed Alam** s/o Muhammad Jan caste Utman Khel, Fateh Khan Khel, PO Feroz Khel Lower Orakzai; who is charged in case **FIR No. 36**, dated 06-05-2020, u/s 302/324 **PPC** of **PS Lower Orakzai**.

The accused/petitioner is charged for the murder of one Sarteeff Khan and causing injury to one Muhammad Khalid, with firearm. The complainant of the case, Gul Muhammad, was also fired upon but remained unharmed. The motive was reported as dispute of land.

Arguments of counsels for the parties and DPP for State heard, and available record perused; the tentative assessment of which, for the purpose of deciding instant petition, shows that:

1. The counsel for accused/petitioner could not point out any malafide of complainant or local police in nominating the accused/petitioner for the offence.
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 this file be consigned to the record room after necessary completion and compilation.


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