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

BBA No. 33 of 2019

Gul Janan etc Vs State

ORDER
02.12.2019

Accused/petitioners on ad-interim pre-arrest bail present.
Learned counsel for the accused/petitioners present. Syed Amir Shah
APP for the State present.

This order is intended to dispose of bail before arrest petition filed
by the accused/petitioners Gul Janan s/o Abdur Rehman and Muhammad
Ullah s/o Jumma Khan r/o Mishti Tappa Mamo zai Totha Mela District
Orakzai in case FIR NO. 34 dated 30/09/2019 u/s 302/311/201/34 PPC PS
Lower Orakzai.

Brief facts of the case are that on 30/09/2019 Mujahid Khan SHO
received information that Jumma Khan s/o Abdul Rehman, Fazal Janan s/o
Habib u Rehman r/o Totha Mela killed Mst: Hajra Bibi w/o Muhammad
Shanif due to her illicit relationship with one Farooq s/o Zaman Shah and
buried her, that on that information he along with Hakim Ali, Aftab Khan
ASIs, Sadar Ali , Akhlaq Ali HCs and other police Nafri rushed to the spot
where they inquired about they occurrence and came to known that Jumma
Khan s/o Abdul Rehman and Fazal Janan s/o habib u Rehman r/o Totha Mela
committed the murder on account of honour and buried the dead body. The
complainant drafted the Murasila which was sent to the PS as a special report
through Sadar Ali for registration of FIR against the accused. The case was
investigated and during investigation the accused/petitioners along with other

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accused were also charged for the murder of Mst: Hajra Bibi, hence the instant pre-arrest bail petitions were submitted by the accused/petitioners.

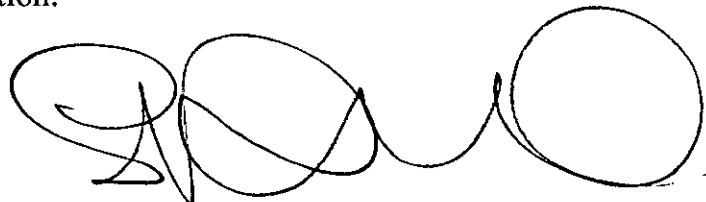
Arguments for the learned counsel for the accused/petitioners and learned APP for the state heard and record perused.

The perusal of record would transpire that the accused/petitioners are charged in the supplementary statement recorded under 164 Cr.P.C during investigation wherein they are stated to the present at the time of occurrence in the house of deceased and were in knowledge about the preparation for the murder of deceased. The confessional statement of co-accused and available record shows that the occurrence has taken place. The accused/petitioners were required to show mela fide on the part of prosecution for their involvement in the instant case which is essential while seeking the remedy of pre-arrest bail, however the accused/petitioners could not surface on record any mala-fide on the part of prosecution. The accused/petitioners are thus failed to make out a case for the confirmation of their ad- interim pre-arrest bail.

In view the above, the bail petition in hand is rejected and the ad-interim pre-arrest bail granted to the accused/petitioners vide order dated 28/11/2019 is hereby recalled.

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

Announced
02.12.2019



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