

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

BBA No. 43 of 2020  
Muhammad Shabbir Vs STATE

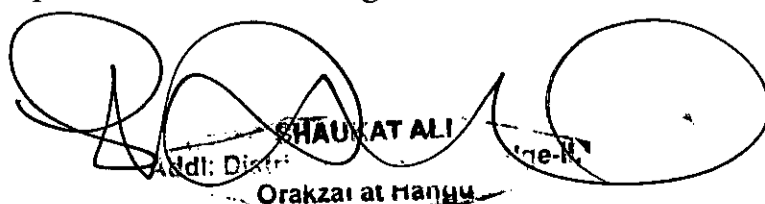
**ORDER**  
**25.07.2020**

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

This order is intended to disposed of pre-arrest bail application submitted by accused/petitioner Muhammad Shabbir s/o Abdul-ur-Raheem R/O Qom Feroz Khel, Lower District Orakzai seeking the confirmation of his Ad-interim pre-arrest bail in case FIR No. 32 dated 24/04/2020 u/s 341/147/149/186/189/188 PPC of PS Lower District Orakzai wherein the accused/petitioner is charged for blocking of road due to dispute among various tribes on the construction of market and partition of landed property and also charged for violation of order issued by DC Orakzai u/s 144 Cr.PC.

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

The perusal of record would transpire that in the instant case the ad-interim pre-arrest bail of accused Sardar Khan, Malak Abdul Mat Khan, Khalid Jan, Zar Janan, Noor Sharif and Roshan Khan has already been confirmed by this court vide order dated 18-07-2020, therefore the principle of consistency is attracted to the case of accused/petitioner which also entitles him to the confirmation ad-interim pre-arrest bail. Besides the offences u/s 341/147/149/186/189 PPC for which the accused/petitioner is charged are bail able wherein the

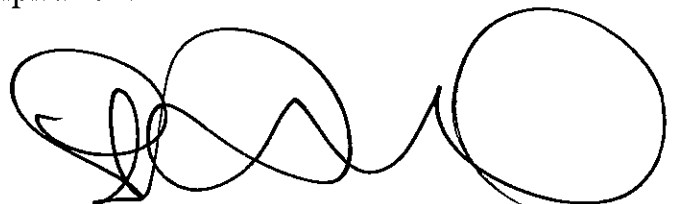
  
SHAIKAT ALI  
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Orakzai at Hanay

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accused/petitioner has the right to be released on bail, whenever he is brought before the court or appear before the court as provided u/s 496 Cr.PC. So for as section 188 PPC is concerned there is no complaint by the DC Orakzai regarding violation of his order issued under 144 Cr.PC by accused/petitioner. Section 195 Cr.PC provides that no court shall take cognizance of offences punishable u/s 172 to 188 PPC except on the complaint in writing of the public servant whose order is violated or some other public servant to whom he is subordinate whereas in the present case no such complaint is lodged by the officer concerned which shows mala fide on the part of complainant. Furthermore the accused/petitioner has joined the investigation and are no more required for the purpose of further investigation, therefore sending the accused behind the bar would serve no useful purpose, hence the case of the accused/petitioner is arguable for the confirmation of ad-interim pre-arrest bail.

In view of the above the bail petition in hand is accepted and the ad-interim pre-arrest bail granted to the accused/petitioner vide orders dated 22/07/2020 is hereby confirmed on the strength of existing bail bonds.

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

**Announced**  
**25.07.2020**



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