

(5)

**BBA No. 42/BBA of 2020**

Or 05  
14-04-2020

**Present:**

Both accused/petitioners on interim bail, along with Javed Muhammad and Jabir Hussain Advocates  
Javid Iqbal Advocate, along with complainant Muqtadar Ali  
DPP Umar Niaz for the State

The accused/petitioners (1) **Shamsher Abbas** s/o Nikmat Ali, and (2) **Shahnawaz Ali** s/o Nobat Ali; both residents of And Khel Bala, Orakzai; are seeking **pre-arrest bail** in case **FIR No. 12** dated 10-03-2020, wherein they have been charged u/s **324/34 PPC** in PS Lower Orakzai.

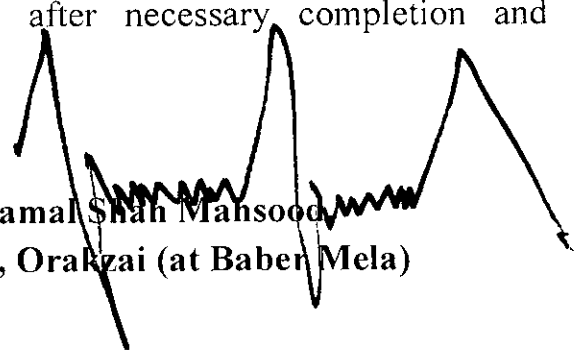
Facts of the case, according to FIR, are; that the accused/petitioner made firing at the complainant, Muqtadar Ali, with intention to commit his *qatl e amd*; that the complainant was injured on the heel of his right foot. The motive was stated to be some dispute of land. Hence the present case. The accused/petitioners have filed the instant petition contending malafide and false implication by the complainant.

Arguments of learned counsels for the parties and DPP for the State heard. The record has been perused; tentative assessment of which show that:

1. The counsels for the parties presented arguments on many aspects of the case; however, the accused/petitioners could not point out any malafide on behalf of complainant, for falsely implicating them.
2. The accused/petitioners could also not point out any other circumstances which would entitle them to the extraordinary relief of confirmation of their BBA.

In these circumstances, the instant pre-arrest bail petition of the accused/petitioners, Shamsher Abbas and Shah Nawaz Ali, is **dismissed**. Copy of this order be placed on record and 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**  
14-04-2020

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

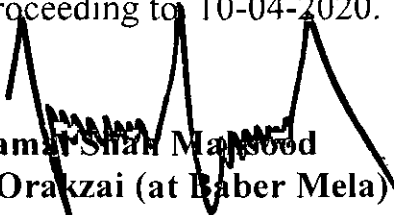
Or 04  
26-03-2020

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**Present:**

Both the accused/petitioners on interim bail, along with  
Jabir Hussain Advocate  
Tajamal Hassan, a brother of injured-complainant  
Record received

The counsel for complaint and Public Prosecutor and not  
in attendance. The General public has been informed not to  
appear in courts on account of COVID-19 precautionary  
measures. Adjunct for further proceeding to 10-04-2020.

  
Jamat Shah Mansoor  
ASJ-I, Orakzai (at Babar Mela)

Note Reader 10/04/2020

In the light of direction issued by Peshawar  
High Court Peshawar in letter No. 4947-  
5072/Admn Dated 24-03-2020 the court is  
closed due to pandemic of Covid-19, hence  
adjourned.

File to come up on 14/04/2020

  
Reader to ASJ-I  
Orakzai at Babar Mela