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IN THE COURT OF SESSIONS JUDGE, ORAKZAI AT BABER MELA

Case Title: Jamal Khan etc VS State etc

Serial No of order or proceedings	Date of Order Proceedings	Order or other Proceedings with Signature of Judge or Magistrate and that of parties or counsel where necessary.
1	2	3
Order No.04	25.05.2023	<p>DPP, Umar Niaz for State and Saqib Roshan Advocate for complainant present. Accused/petitioners, Jamal Khan and Asfandyar Khan on ad-interim pre-arrest bail present. Arguments of learned counsel for complainant heard while arguments of learned counsel for accused/petitioner have already been heard.</p> <p>The above-named accused/petitioners seek confirmation of their ad-interim pre-arrest bail in case FIR no. 47, dated 01.05.2023, u/s 506/148/149 PPC of Police Station Kalaya, wherein as per contents of FIR, the complainant Asad Ullah vide Daily Diary No. 8 of 01.05.2023 made a report to the police to the fact that a land situated near his house has been handed over for cultivation to him by its owner Saad Khan, that on that day at about 1530 hours the accused/petitioners along with co-accused Shahzad Khan duly armed while working in the land with a tractor when restrained by him and his cousin, got furious, started beating him (complainant) and intimidated him by making firing at his house.</p> <p>On the same day, Shahzad Khan, one of the accused vide DD No. 3 being complainant at about 1600 hours has made a report to the local police to the fact that on that day he along with his brother Asfandyar Khan (one of the accused/petitioners) while working in fields with a tractor were fired at by accused Parvez Alam, Imran Khan, Adil Nawaz and Saad Ullah (the complainant of report vide DD No. 8) for intimidating them.</p> <p>Perusal of the case file shows that though the accused/petitioners are directly nominated in the instant FIR but no specific role has been attributed to any of the</p>


Shaukat Ahmad Khan
District & Sessions Judge,
Orakzai at Baber Mela
25/05/23

FIR no. 47, Dated: 01-05-2023, u/s 506-148-149 PPC, PS Kalaya

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		<p>accused/petitioners. Moreover, the factum of cross version of the parties, makes the case as one of further inquiry as to which of the parties was aggressor and who has been aggressed upon. Above all, the offence for which the accused/petitioners are charged does not fall within prohibitory clause of section 497 CrPC where the post-arrest bail cannot be withheld except in presence of exceptional circumstances but in the instant case in absence of exceptional circumstances. In these circumstances committing the accused/petitioners to police custody for enabling them to be released on post-arrest bail, would serve no useful purpose of the prosecution except the probability of humiliation and unjustified harassment at the hands of police.</p> <p>Therefore, in the light of above, bail petition in hand stands accepted and ad-interim pre-arrest bail earlier granted to the accused/petitioners stands confirmed on the strength of existing bail bonds. Consign.</p> <p><u>Pronounced:</u> 25.05.2023</p> <p style="text-align: right;"> (SHAUKAT AHMAD KHAN) Sessions Judge, Orakzai at Baber Mela</p>

