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FORM "A"
FORM OF ORDER SHEET

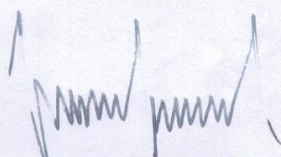
Court of _____

Case No. _____

Serial No. of Order Proceedings	Date of Order or Proceedings	Order or other Proceedings with Signature of Judge or Magistrate and that of parties or counsel where necessary
1	2	3

0-3	07-05-19	<p><u>Present</u>:-</p> <p>Accused/petitioner on interim bail, along with counsel. Comp. in person. APP Zohaib Sher for State.</p> <p>The counsel for acc/petitioner requested for an adjournment, being not prepared for arguments today. Adjudged for arguments to 11-05-19.</p> <p style="text-align: right; color: purple; font-size: small;">JAMAL SHAH MAHSUD Add: District & Sessions Judge-I, Orakzai at Hangu</p>
<p style="text-align: center;"><u>ORDER-04</u> 11-05-2019</p> <p style="text-align: center;"><u>BBA No. 14/BBA of 2019</u></p> <p>Present:</p> <p>Accused/petitioner Saleem Khan on interim bail along with Sana Ullah Khan Advocate Complainant Koko Rehman, along with Aurangzeb Khan Advocate (wakalatnama submitted today and placed on file) APP Zohaib Ahmed Sher for State</p> <p>The accused/petitioner Saleem s/o Amir Syed (r/o Sheikhan Umarzai, Masood Pakha, District Orakzai), is seeking pre-arrest-bail in case Information Report No. 1702/AC/L dated 05-08-2018, initially registered with the Assistant Commissioner of Lower Orakzai: u/s 302/324/34 of PPC.</p>		<p style="text-align: center; color: purple; font-size: small;">JAMAL SHAH MAHSUD Add: District & Sessions Judge-I, Orakzai at Hangu</p>

The facts of the case, according to the Information Report mentioned above and the available record, are; that on 05-08-2018 at about 08:00 pm, in Masood Pkha area, sudden firing on the spur of the moment between Mukamil Shah (co accused) and Shahzada (deceased) resulted in deaths of 04 individuals (Shahzada, Javid, Ashrat and Fazal Rahim) and injuries to 03 individuals (Shah Nawaz, Latif, and Mukamil). That out of these, deceased Shehzada, Javid, Ashrat and injured Shah Nawaz belonged to first party (present complainant party); injured Latif and Mukamil to the second party (co accused of present accused/petitioner) and deceased Fazal Rahim was a passerby. On the next date co-accused Mukamil and Latif were arrested in injured condition and one Muhammad Rafiq was also arrested in the instant case u/s 20 (IGR). Thereafter some proceedings were carried on under the then in vogue Jirga system. On 10-08-2018 the present complainant Koko Rehman filed an application to the Assistant Commissioner, wherein the present accused/petitioner was also nominated for firing on the fateful day.


JAMAL SHAH MAHSUD
Addl: District & Sessions Judge-I,
Orakzai at Hangu

Arguments heard and record perused, tentative assessment of which show that:

1. The accused/petitioner was not nominated in the first information report. His name was mentioned for the first time in an application, dated 10-08-2018 i.e. five days after the occurrence, submitted by the complainant to the AC without specification of any role.
2. Except for this mentioning of name of accuse/petitioner in a couple of application, filed belatedly, there is no piece of evidence against the accused petitioner.
3. The accused/petitioner is a brother of the two main accused of the case. There is an official document on record (No. 2298/AC/L dated 26-10-2018), wherein it is stated that the complainant is charging other members of the family (of main accused) who are not involved in the incident/conflict. Hence, malafide on behalf of complainant for falsely charging the accused/petitioner cannot be ruled out.

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In light of the above points involved, I am of the opinion that malafide on part of complainant cannot be ruled out and the case of accused/petitioner also calls for further inquiry into his guilt. Resultantly, the instant pre-arrest bail petition is **accepted** and the ad-interim pre-arrest bail already granted to all the accused/petitioner **Saleem Khan** is confirmed on the existing bail bonds. Let a copy of this order be placed on record and let this file be consigned to record room after necessary completion and compilation.

Announced
11-05-2019

JAMAL SHAH MAHSOOD
ASJ-I, Orakzai (at Hangu)

JAMAL SHAH MAHSUD
Add: District & Sessions Judge,
Orakzai at Hangu