

IN THE COURT OF SESSIONS JUDGE, ORAKZAI AT BABER MELA

(4)

Case Title: Akhtar Gul VS State et



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.03	22.06.2023	<p>DPP, Umar Niaz for State and Insaf Ali Advocate for complainant present. Accused/petitioner, Akhtar Gul on ad-interim pre-arrest bail in person with his counsel present. Complainant Juma Khan also present in person. Injured Rafi Ullah present in person. He submitted affidavit to the fact that he has patched up the matter with the accused/petitioner Akhtar Gul and he has got no objection, if his bail before arrest is confirmed. The affidavit is placed on file.</p> <p>The above-named accused/petitioner seeks confirmation of his ad-interim pre-arrest bail in case FIR no. 15, dated 29.03.2023, u/s 324/34 PPC registered at Police Station Mishti Mela, wherein, the local police on 30.03.2023 acting on information regarding the occurrence reached Mishti Mela Hospital where injured/complainant Juma Khan at about 0030 hours reported the matter to the local police to the fact that on that day at about 1600 hours he along with Taj Akbar and injured Rafi Ullah were present on the spot where the accused/petitioner along with co-accused Ajmal duly armed came and started firing at them, as a result of firing of co-accused Ajmal, he (complainant) received injuries while the firing of accused/petitioner caused injuries to Rafi Ullah whereas Taj Akbar luckily escaped unhurt. Hence, the present FIR.</p> <p>Arguments heard and record perused.</p> <p>It is evident from the record that the accused/petitioner is directly nominated in the FIR. Counsel for the accused/petitioner failed to point out any malafidi or ulterior motive on behalf of the complainant or local police for falsely implicating him in the instant case. So far, the compromise is concerned, though the</p>

Shaukat Ahmad Khan
District & Sessions Judge
Orakzai at Baber Mela
22/06/23

5

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		<p>accused/petitioner is charged for causing injury to Rafi Ullah with whom he has patched up the matter but as the accused/petitioner is also charged for attempting at the lives of complainant/injured Juma Khan and the eyewitness Taj Akbar by making firing at them as well; therefore, the mere compromise with the injured Rafi Ullah in the absence of any malafidi on behalf of complainant, is alone not sufficient to make him entitled to the extraordinary concession of pre-arrest bail. Hence, the accused/petitioner is not entitled to concession of pre-arrest bail at this stage. Therefore, ad-interim bail earlier granted to the above-named accused/petitioner is hereby recalled and the BBA in hand resultantly stands dismissed. Consign.</p> <p><u>Pronounced:</u> 22.06.2023</p> <div style="text-align: right;">  (SHAUKAT AHMAD KHAN) Sessions Judge, Orakzai at Baber Mela </div> <div style="text-align: center;">  </div>