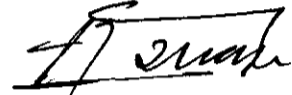


5

Order No. 05

11.02.2021

Accused/petitioners, Khanat Khan and Shafiq on ad-interim bail alongwith counsel Mr. Abid Ali present. Inquiry report from DPO, Orakzai received. Complainant, Muhammad Shaheen present and submitted Wakalatnama in favour of Haseeb Ullah Khan Advocate which is placed on file besides requested adjournment. Adjourned. Case file be put up for arguments on 15.02.2021.



(ASGHAR SHAH)

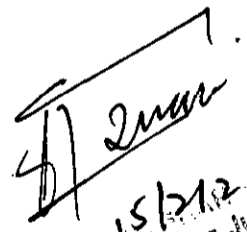
Sessions Judge, Orakzai
at Baber Mela

Order No. 06

15.02.2021

Sr.PP, Javid Iqbal for the state present. Accused/petitioners, Khanat Khan and Shafi Ullah alias Shafiq on ad-interim bail alongwith counsel Mr. Abid Ali present. Complainant, Muhammad Shaheen also present in person and submitted Wakalatnama in favour of Sana Ullah Khan Advocate.

(2). Through the instant Bail Before Arrest petition, accused/petitioners Khanat Khan and Shafi Ullah requested the confirmation of interim bail in case FIR no. 11, dated 28.01.2021 u/s 436/34 PPC of PS Lower Orakzai, wherein they are charged alongwith others for setting at fire the trees belonging to the complainant and thereby causing damage. Arguments heard and record perused.



15/2/21
District & Sessions Judge
Orakzai at Mangu

Order No. 04

11.02.2021

(3). From the arguments and record available on file, it reveals that there is two days delay in lodging the report and besides one, Shahid Ullah, the brother of complainant being cited as eyewitness of the occurrence has neither verified the report of the complainant nor he himself tried to report the matter immediately. Besides it is not out of question to mention here that earlier vide case FIR no. 2 dated 07.01.2021 u/s 337-F(v)/352/148/149 PPC in PS Lower Kalaya, the accused party has charged the present complainant and his brother for beating them as such the present case seems registered in order to create a cross version. During the pendency of BBA petition, the accused submitted an application for enquiry to the DPO whereupon as many six witnesses were examined and all of them termed the report of the complainant as baseless. The complainant till date could not produce any proof to the investigation agency showing the trees burnt were his ownership. Thus, the malafidy of the complainant is apparent on the record and would attract further enquiry to the case. Accordingly, the BBA petition in hand stand accepted and the ad-interim bail earlier granted to the accused/petitioners is confirmed on the existing bonds.

(4). File be consigned to Session Record Room after further compilation and completion.

Announced:

15.02.2021



(ASGHAR SHAH)

Sessions Judge, Orakzai
at Baber Mela

15/2/21