

Order No. 03
15.02.2021

Sr.PP, Javid Iqbal for the state present.
Accused/petitioner, Faiz Ullah 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/petitioner Faiz 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 he is charged alongwith others for setting at
fire the trees belonging to the complainant and
thereby causing damage. Arguments heard and
record perused.

ASGHAR SHAH
District & Sessions Judge
Orakzai, Mungu
15/2/21


(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

5

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/petitioner 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