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**IN THE COURT OF ADDITIONAL SESSIONS JUDGE ORAKZAI, AT BABAR MELA**

BBA No. 91/4 of 2021

Iswan Ali Vs State

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	11/08/2021	<p>Mr. Iswan Ali on pre-arrest bail along with Muhammad Wahid Meraj Advocate; Mr. Amir Shah APP for State; and Mr. Jabir Hussain Advocate for complainant are in attendance.</p> <p>2. Arguments heard; whereas, this is the disposal of Pre arrest bail application presented by accused/petitioner Iswan Ali son of Sobat Khan resident of Sepoy Tappa Metha Khan Khel, District Orakzai.</p> <p>3. An application for correction in the section of Law mentioned in bail application is presented on the score that section-337 A(iii) has been changed later on by the prosecution and inserted section 337 A(v) which is subsequent even that requires correction. The petition being reasoned is allowed and correction has accordingly been made.</p> <p>4. Mr. Hassan Khan ASHO of Police Station Kurez has entered Mad No. 8 dated 17-06-2021 regarding injuries of Shabeer Hussain son of Nafeel Khan against Iswan Ali. The motive for such physical assault has been assigned as issues pertaining to irrigations of agricultural land. That daily diary so entered was transmitted to Police Station as Murasila from District Headquarter Hospital KDA Kohat and resultantly, Criminal Law was brought into motion against accused by lodging FIR bearing No. 8 dated 17-06-2021 registered under Section 337 A(iii) which was later on replaced with Section A(v) of the Pakistan Penal Code 1860. The petitioner being single nominated accused has approached to the Court for pre-arrest bail which is under consideration.</p>

  
**SAVED FAZAL WADOOD**  
Additional Sessions Judge  
Orakzai at Hangu

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5. Arguments of counsel for the accused/petitioner and learned APP for State assisted by learned private counsel for the complainant heard and record perused.

6. The matter of sustaining injury by the complainant due to physical assault of the accused has promptly been reported. Single accused has been nominated for daylight occurrence witnessed by ocular evidence and supported by medical evidence available on file. No mala fide whatsoever has pointed out on the record except mere assertion in the contents of application which is not sufficient of Judicial determination of a matter.

7. For what has been discussed above, instant pre arrest bail petition stands dismissed and ad-interim pre arrest bail to the accused/petitioner is hereby recalled. File of this Court be consigned to District Record Room after its necessary completion and compilation within the span allowed for; whereas, copy of this Order be placed on record of Police to be returned accordingly.

8. Announced in open Court.



Sayed Fazal Wadood,  
AD&SJ, Orakzai at Baber Mela