


IN THE COURT OF SESSIONS JUDGE, ORAKZAI AT BABER MELA

④

Case Title: Nazim Ali etc vs State etc

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.04	04.10.2023	<p>DPP, Umar Niaz for the State present. Accused/petitioners, Nazim Ali, Jihad Ali and Salman Khan on ad-interim pre-arrest bail in person along with their counsel present. Mr. Insaf Ali Advocate for complainant present. Complainant Ashraf Ali through his brother Wajid Ali, present.</p> <p>The above-named accused/petitioners seek confirmation of their ad-interim pre-arrest bail in case FIR No. 33, Dated 01.09.2023, u/s 324/34 PPC of Police Station Kurez Boya, wherein, as per contents of FIR, the accused/petitioners along with co-accused being annoyed at the marriage of complainant with daughter of Ali Haider, solemnized about 13 years prior, hurled a hand grenade at the house of complainant regarding which case FIR No. 24, Dated 09.07.2023, u/s 3/4 Explosive Substances Act/427 PPC of Police Station Kurez Boya was registered against the accused/petitioner Nazim Ali in which he was released on bail. That the said Nazim Ali after having been released on bail along with the present accused/petitioners and other co-accused on 16.07.2023 made aerial firing at the complainant and on the same day at 05 O'clock when the complainant was on his way to his house along with a kid, the accused/petitioners and co-accused made firing at the complainant; however, the complainant luckily escaped unhurt. Hence, the present FIR.</p> <p>Arguments heard and record perused.</p> <p>It is evident from the record that though the accused/petitioners are directly nominated in the FIR and the offence for which the accused/petitioners are charged falls within the prohibitory clause of section 497 CrPC; however, the complainant prior to submission of</p>



Shaukat Ahmad Khan
 District & Sessions Judge,
 Orakzai at Baber Mela
 04/10/23

FIR no. 33, Dated: 01-09-23, u/s 324/34 PPC, PS Kurez.

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<p>Contin. Order No.04</p>		<p>application under section 22-A CrPC, had approached the DPO, Orakzai vide his application dated 18.07.2023 regarding the same occurrence wherein he has complained of verbal threats allegedly extended by the accused/petitioner Nazim Ali and others through some people but after failure of the complainant to get his grievance redressed, he has approached the court through application under section 22-A CrPC wherein he has complained of making firing by the accused/petitioners upon him instead of verbal threats. Moreover, neither any independent witness has been associated with the incident of verbal threats nor with the incident of making firing by the accused/petitioners upon the complainant. In these circumstances, as the accused/petitioners are otherwise entitled to the concession of bail; therefore, no useful purpose of the prosecution would be served to commit the accused/petitioners to police custody except the probability of unjust harassment at the hands of police. Furthermore, as evident from FIR No. 24/2023 of Police Station Kurez Boya, the parties are at daggers drawn; therefore, malafidi for false implication of the accused/petitioners cannot be ruled out. 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. Consign.</p> <p><u>Pronounced:</u> 04.10.2023</p> <p style="text-align: right;">  (SHAUKAT AHMAD KHAN) Sessions Judge, Orakzai at Baber Mela </p>

