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

BBA No. 117/4 of 2021
Hadi Zaman 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	20/01/2022	<p>Ihsan ullah, Fayaz Ullah and Hadi Zaman being accused on ad interim pre-arrest bail and Muhammad Zubair APP for State are in attendance.</p> <p>2. Mr. Haseeb Ullah Advocate and Mr. Umar Zakir Advocate representing petitioners and Noor Awaz Advocate representing the complainant have already been heard; whereas, this is the disposal of Pre arrest bail application.</p> <p>3. Muhammad Yaseen reported the matter of sustaining injuries being beaten by the accused to the local police which was incorporated into Daily Diary No.8 dated 21-08-2021. It has been mentioned therein that the complainant party is sharing the drainage with the accused being neighbors which was blocked by the accused party. This matter was complained by the complainant to the accused that led to the occurrence. Complainant was beaten by the accused as a result of which he sustained injuries and the matter was referred to Tehsil Headquarter Hospital Ghiljo. On receiving medico legal report (MLC), local police has referred the matter to District Public Prosecutor for opinion. Consequently, FIR bearing No.35 dated 21-08-2021 was registered under sections 337 A(i) and 337-A(iv) read with Section-34 of Pakistan Penal Code 1860 in Police Station Ghiljo, Orakzai. Petitioners moved this Court with application for pre-arrest bail which is under consideration.</p> <p>4. Arguments of counsel for the accused/petitioners, counsel representing complainant and learned APP for State heard and record perused.</p> <p>5. Grant of bail before arrest is an extra ordinary relief to be granted only in extra ordinary situation to protect</p>


SAYED FAZAL WABOOD
Addl. District & Sessions Judge
Orakzai at Hangu


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innocent person against victimization through abuse of law for ulterior motive. In present case, the matter has promptly been reported that culminated into registration of FIR without delay. Medical evidence has been connected and motive has been specified. Nothing like mela fide on part of complainant or Police is revealing from record and thus the case is not considerable for grant of pre arrest bail.

6. For what has been discussed above, instant pre arrest bail petition stands dismissed and ad-interim pre arrest bail to the accused/petitioners 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.

7. Announced in open Court.


SAYED FAZAL WADOOD
Additional Sessions Judge
Orakzai at Baber Mela