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IN THE COURT OF SHAUKAT AHMAD KHAN
SESSIONS JUDGE, ORAKZAI AT BABER MELA

BCA No. : 51/4 of 2022
Date of Institution : 20.06.2022
Date of Decision : 25.06.2022

ASIF KHAN VS STATE

ORDER

APP, Muhammad Zubair for the State,
Khursheed Alam Advocate for petitioner and Abid
Ali Advocate for respondents/accused present.
Arguments heard and record gone through.

2. Asif Khan, one of the accused in the instant case, having reported cross version vide DD no. 11 of 19.05.2022, seeks cancellation of bail of the respondents/accused Sial Muhammad, Noorab Khan and Zahir Muhammad, allowed vide order dated 16.06.2022 of learned Senior Civil Judge, Orakzai, in case FIR no. 14, dated 19.05.2022, u/s 324/427/34 PPC of PS Dabori wherein, as per contents of FIR, Faiz Muhammad on 19.05.2022 made a report to the police to the fact that on that day he was ploughing his land through a tractor with his cousin Sial Muhammad present over there, where at about 1830 hours the petitioner Asif Khan along with co-accused Asghar duly armed started firing at them, but they luckily

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escaped unhurt while the tractor got damaged.

Hence, the present FIR.

3. On the same day, petitioner Asif Khan (one of the accused) in the instant case, vide DD no. 11 of 19.05.2022, has made a report to the police to the fact that on that day at 1830 hours, Faiz Muhammad (complainant of the instant case) was ploughing a disputed property through a tractor in the presence of Zahir Muhammad and Sial Muhammad and when he wanted to stop Faiz Muhammad from ploughing a land, Zahir Muhammad scuffled him while Noorab Khan made firing at him. Later on, Faiz Muhammad along with the above-named Zahir Muhammad, Sial Muhammad and Noorab Khan were also charged as accused in the instant case.

The respondents/accused were arrested and later on released on bail vide aforementioned order of the learned Senior Civil Judge, Orakzai.

Asif Khan having reported a cross version, seeks cancellation of bail of the respondents/accused on the ground, that he has not been issued a notice.

4. It is evident from the record that as per bail granting order of the learned Senior Civil Judge, Orakzai, the complainant has been shown present

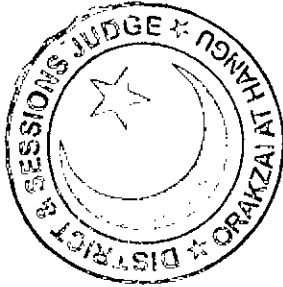
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through his nephew. Moreover, in the instant case there are two different versions of the parties, making the case as one of further inquiry to the fact that which of the party is aggressor and who has been aggressed upon. Furthermore, counsel for the petitioner failed to point out any justified ground maintained for cancellation of bail.

5. Hence, in view of what is discussed above, the instant petition is turned down. File of this court be consigned to record room after its necessary completion and compilation.



Pronounced
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