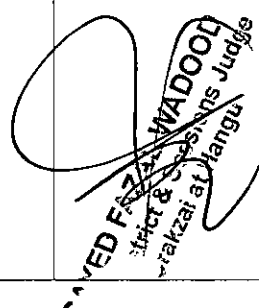


IN THE COURT OF ADDITIONAL SESSIONS JUDGE ORAKZAI, AT BABAR MELA

BBA No. 47/4 of 2022
Abdul Salam etc 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 12	27.06.2022	<p>Accused/petitioners on ad-interim pre-arrest bail present.</p> <p>2. This is the disposal of Pre arrest bail application presented by accused/petitioners Abdul Salam and Muhammad Yaseen sons of Syed Salam, both residents of Qaum Mala Khel, Tappa Char Khela, Tehsil Upper Orakzai and District Orakzai.</p> <p>3. Imtiaz Khan SHO of Police Stataion Daboori was on routine patrolling of the area, received information regarding presence of some injured persons in the Civil Hospital of Daboori. He rushed to the emergency room and found Hakeem Gul, Safi ullah, Abdu samad and Samad Ullah as injured under treatment. Muhammad ullah being complainant reported that he was cultivating his landed property through tractor when Abdul Basit, Yousaf Mehmood, Muhammad Yaseen, Shahid ullah, Mst Umar Gula and Mst Rasheeda Bibi attacked them with the sticks and axe that caused injuries to the persons hospitalized. He added that Abdul Salam and his father Syed Salam were duly armed with pistols had opened fire with the intention of killing them. Safi ullah had got bullets in the chest and both legs; whereas, Hakeem Gul, Abdu Samad and Samad ullah sustained injuries due to beat of sticks and axe. Murasila had been drafted which was converted into FIR bearing No. 12 dated 28.04.2022, registered under section 324/148/149 of the Pakistan Penal Code, 1860, in Police Station Dabori.</p> <p>4. Cross version of this incident has been recorded as Madd No. 6 dated 28-06-2022; wherein, Abdul Salam, Abdul Basit, Muhammad Yaseen and Mst Umar Gula</p>


FAIZ AHMAD WADOOD
 District & Sessions Judge
 Orakzai at Mangla

being injured have levelled charges of being beaten with the help of sticks and axe by Abdul Samad, Muhammad Ullah, Safi Ullah, Majid Gul, Sajid Ullah, Samad Ullah, Hakeem Gul, Muhammad Tariq, Mst Niaz Bibi and Mst Amina. Muhammad ullah has been alleged for opening of fire through pistol. The DPP has recorded opinion on such madd to maintain a separate file u/s 452, 437 a(i) f(i), 148, 149 subject to medico legal report.

5. The parties have compromised the offence to the extent of female accused of both the sides and their bail before arrest has, therefore, allowed on previous date of hearing.

6. Two accused have presented instant pre-arrest bail petition, which is under consideration.

7. Arguments of counsel for the accused/petitioners, counsel for complainant and APP for State heard and record perused.

8. On tentative assessment of record, it reveals that motive of dispute over landed property is existing. All of the petitioners have specifically been named in the contents of FIR. Incriminating materials have been recovered from the spot. Above all, neither mala fide nor intention to disgrace, humiliation, harassment and dishonor on part of the complainant or prosecution is being surfaced.

9. For what has been discussed above, instant pre arrest bail petition stands dismissed. Ad-interim pre arrest bail earlier granted 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.

10. Announced in open Court.


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