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

BCA No. : 68/4 of 2022
Date of Institution : 30.06.2022
Date of transfer-in : 27.07.2022
Date of Decision : 27.07.2022

SAIR MUHAMMAD AFRIDI VS ILMAS ETC.

ORDER

Bail Cancellation petition titled "Sair Muhammad Afridi VS Ilmas etc." along with record received from the court of ASJ-II, Orakzai. Register.

DPP, Umar Niaz for the State present.
Respondents/accused Arsala Jaan and Zarmeen present in person.

- (2). Petitioner, Sair Muhammad Afridi, being complainant in the instant case, seeks cancellation of bail of the respondents/accused Almas, Arsala Jaan, Zarmeen and Taza Gul, allowed vide order dated 29.04.2022 of learned Senior Civil Judge, Orakzai, in case FIR no. 29, dated 29.03.2022, u/s 324/148/149 PPC of PS Kalaya wherein, as per contents of FIR, on 29.03.2022 the SHO along with other police officials on receiving information about the occurrence reached the spot where the complainant at about 08:00 hours reported the matter to the police to the fact that on that day at coal mine Chapri Feroz Khel Murghiyo Chan he along with Manager Hidayat Ullah, chowkidar Mir Wali and laborers Sardar Hassan and Afsar Khan were present when the respondents/accused along with other

Shaukat Ahmad Khan
District & Sessions Judge,
Orakzai at Baber Mela
27/07/22

(11)

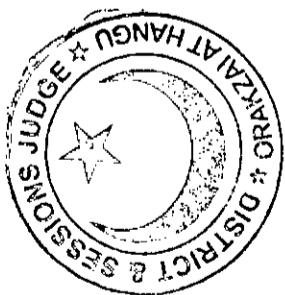
unknown persons duly armed came there and started firing at them however they luckily escaped unhurt.


Petitioner/complainant Sair Muhammad Afridi seeks cancellation of bail of the respondents/accused on the ground, that he has not been given opportunity to engage a private counsel condemned unheard.

(3). 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 in person and he has been given opportunity to engage a counsel but due to failure of petitioner/complainant to submit Wakalatnama or produce a counsel, the learned APP representing the State and the petitioner/complainant has been heard and the bail application has been disposed off on merits. Moreover, there is nothing available on file to justify the cancellation of bail allowed to the respondents/accused.

(4). 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
27.07.2022




SHAUKAT AHMAD KHAN
Sessions Judge, Orakzai
at Baber Mela