





IN THE COURT OF SESSIONS JUDGE, ORAKZAI AT BABER MELA (4)

Case Title: Meenajat Khan 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
<p>Order No.03</p>	<p>23.11.2022</p>	<p>DPP, Umar Niaz for the State present. Accused/petitioners, Minajat Ali, Gul Zali, Nawab Khan, Yar Zali, Khano, Wilayat Ali, Hikmat Ali, Ijaz Ali, Muhammad Alam and Lal Zali on ad-interim pre-arrest bail in person with their counsel present. Complainant Nabi Rehman present in person. Muhammad Zahid Advocate for complainant present. He submitted Wakalatnama. Placed on file. Record not received. Be requisitioned from Judicial Magistrate Kalaya, District Orakzai. Case file be put up for arguments on 30.11.2022.</p> <p align="right">  (SHAUKAT AHMAD KHAN) Sessions Judge, Orakzai at Baber Mela </p>
<p>Order No.04</p>	<p>30.11.2022</p> <p align="center">  Shaukat Ahmad Khan District Sessions Judge, Orakzai at Baber Mela 20/11/22 </p>	<p>DPP, Umar Niaz for the State present. Accused/petitioners, Minajat Ali, Gul Zali, Nawab Khan, Yar Zali, Khano, Wilayat Ali, Hikmat Ali, Ijaz Ali, Muhammad Alam and Lal Zali on ad-interim pre-arrest bail in person with their counsel present. Complainant Nabi Rehman along with his counsel Muhammad Zahid Advocate present. Record received. Arguments heard.</p> <p>The above-named accused/petitioners seek confirmation of their ad-interim pre-arrest bail in case FIR no. 51, dated 20.05.2022, u/s 506/148/149 PPC of Police Station Kalaya, wherein as per contents of FIR, the complainant on 14.05.2022 at about 0900 hours made a report to the police to the fact that on 13.05.2022 at about 1730 hours he along with his guests was present in his Hujra when the accused/petitioners along with co-accused duly armed came there and criminally intimidated</p>

FIR no. 51, Dated: 20-5-22, u/s 506/148/149 PPC, PS Kalaya

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<p>Contin. Order No.04</p>		<p>them by making firing but he and his guests got escaped unhurt. Hence, the present FIR.</p> <p>Perusal of the case file shows that though the accused/petitioners are directly nominated in the instant FIR and the accused/petitioners have remained fugitive from law but the report has been made to the police with a delay of about more than 12 hours. Moreover, despite allegations of making firing by about 14 persons, no empty from the spot has been recovered. Furthermore, besides the present case, various other criminal cases are registered by the parties against each other. In the presence of aforementioned circumstances, malafidi on behalf of complainant cannot be ruled out. Above all, the offence for which the accused/petitioners are charged does not fall within prohibitory clause of section 497 CrPC where the post-arrest bail cannot be withheld except in presence of exceptional circumstances but in the instant case in absence of exceptional circumstances, committing the accused/petitioners to police custody for enabling them to be released on post-arrest bail, would serve no useful purpose of the prosecution except the probability of unjustified harassment at the hands of police.</p> <p>Therefore, in the light of above, bail petition in hand stands accepted and ad-interim pre-arrest bail earlier granted to the accused/petitioners Minajat Ali, Gul Zali, Nawab Khan, Yar Zali, Khano, Wilayat Ali, Hikmat Ali, Ijaz Ali, Muhammad Alam and Lal Zali stands confirmed on the strength of existing bail bonds. Consign.</p> <p>Pronounced: 30.11.2022</p> <p> (SHAUKAT AHMAD KHAN) Sessions Judge, Orakzai at Baber Mela</p> <p></p>