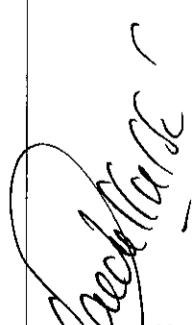


IN THE COURT OF SESSIONS JUDGE, ORAKZAI AT BABER MELA

4

Case Title: Habib Nawaz et VS State et

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.04</p>	<p>16.05.2024</p>	<p>DPP, Umar Niaz for the State present. Accused/petitioners, Habib Nawaz, Niaz Khan and Muhammad Riaz on ad-interim pre-arrest bail in person along with their counsel present. Complainant Rafi Ullah present in person.</p> <p>(2). Vide this order, I intend to dispose of the instant BBA petition as well as BBA No. 33/4 titled as "Muhammad Zubair etc. VS State" and BBA No. 34/4 titled as "Malak Mehraban VS State", involving the same FIR number and the same parties.</p> <p>(3). The above-named accused/petitioners seeks confirmation of their ad-interim pre-arrest bail in case FIR no. 19, Dated 01.05.2024, u/s 447/448/427/452/148/149 PPC of Police Station Mishti Mela, wherein, as per contents of FIR, the complainant on 16.04.2024 vide his application to District Police Officer, Orakzai made a report to the local police to the fact that he belongs to caste Darwi Khel and his agricultural land and a house had been demolished and had been illegally occupied by Malak Mehraban Khan (the accused/petitioner in BBA No. 34/4) since 2010. In this respect, the complainant has pleaded before the Home and Tribal Department, Peshawar and a jirga was sent to the accused Malak Mehraban Khan but in vain. The matter was investigated by the SHO of Police Station Mishti Mela and the accused/petitioners along with co-accused have been charged in the instant FIR.</p> <p>(4). Arguments heard and record perused.</p> <p>(5). Perusal of the case file reveals that there is unexplained delay in lodging the report as the occurrence allegedly took place in 2010 whereas the</p>

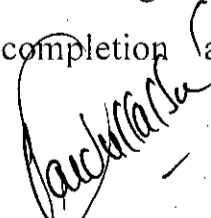

Syed Obaidullah Shah
 District & Sessions Judge
 Orakzai at Baber Mela

FIR no. 19 Dated: 01-05-2024 u/s 447/448/427/452/148/149 PS Mishti mela

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IN THE COURT OF SESSIONS JUDGE, ORAKZAI AT BABER MELA

Case Title: Habib Nawaz et̄ VS State et̄

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>matter was reported to the local police on 16.04.2024. The entire family has been charged in the FIR. Moreover, the occurrence is unwitnessed and unseen. The accused/petitioners have already joined the investigation and they are no more required for further investigation besides nothing is to be recovered from their possession as such the recalling of bail for observing certain codal formalities would not be justifiable. The prosecution has failed to elucidate the consequential purpose that would be served by committing the accused/petitioner to police custody. Thus, further inquiry would be attracted to the case of accused/petitioners and accordingly they are entitled for the confirmation of the interim bail in their favour.</p> <p>(6). Therefore, in the light of above, the BBA in hand as well as BBA No. 33/4 and BBA No. 34 stand accepted and ad-interim pre-arrest bail earlier granted to the accused/petitioners stands confirmed on the strength of existing bail bonds.</p> <p>(7). Order announced. Copy of this order be placed on BBA No. 33/4 titled as "Muhammad Zubair etc. VS State" and BBA No. 34/4 titled as "Malak Mehraban VS State". Copy of this order also be placed on police/judicial file. File of this court be consigned to record room after its necessary completion and compilation.</p> <p>Dated: 16.05.2024</p> <p style="text-align: right;">  (SYED OBAIDULLAH SHAH) Sessions Judge, Orakzai at Baber Mela </p>

