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**IN THE COURT OF ABDUL BASIT  
ADDITIONAL SESSIONS JUDGE-II, ORAKZAI**

**Petition No. 60/4 of 2024**

*"Javid Khan... Versus ... The State etc."*

**Order--05**

01.07.2024

Accused/petitioner on ad-interim pre-arrest bail present. Counsel for accused/petitioner and complainant in person are present. DPP for the state is also in attendance.

Accused/petitioner Javid Khan S/o Samand Khan seeks confirmation of his pre-arrest bail provisionally granted to him in case FIR no. 05 dated: 17.03.2023 under Section 324/34 PPC of Daboori Police Station, Orakzai.

Brief facts of the case as per report are that police after receiving the information, rushed to the DHQ Hospital Mishti Mela, where, Muhammad Ibrahim being complainant reported that he was present in Ghwanda Mela, whereas, his son Muhammad Sohaib and nephew Abdul Samood were going back to their house from school, whereat, he has also accompanied them; that when they reached to the point of Nekot Pasidar, accused Muhammad Abbas, Muhammad Zeeshan and Arsala Khan alias Farooq were already found present there, who armed with firearms appeared and started firing upon them with intention to commit their murder; that due to their firings, son of the complainant and his nephew got hit and sustained injuries but he luckily remained unhurt; that motive behind the occurrence was dispute on the pretext of women's honor; that after sending the murasila report, police rushed towards the place of occurrence, where an injured person near Nekot Pasidar duly armed with Kalashnikov was overpowered and a Kalashnikov along with fixed charger containing 17 live rounds of 7.62 bore were recovered; accused disclosed his name as Muhammad Abbas; that further search of the

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area, another young boy was also overpowered and one pistol of 30 bore along with fixed charger containing 02 live rounds of 30 bore were recovered from his trouser fold; that accused disclosed his name as Muhammad Zeeshan; that both the accused were arrested; that the injured accused Muhammad Abbas has also reported that he along with Muhammad Zeeshan and Arsalan alias Farooq armed with weapons were present at the place of occurrence with intention to kill Abdul Samood, Muhammad Sohaib and Ibrahim Khan; that at about 11:30 hours, Abdul Samood, Muhammad Sohaib, Ibrahim Khan and Javid Khan came there and they opened fire to kill them; that Javid Khan has also opened fire at them as a result whereof he got hit on left leg and sustained injuries; that he has also narrated the pretext of women's honor as motive behind the offence; therefore, he has charged Javid Khan for causing him injuries and attempt at his life and in this respect his report was recorded vide daily diary no.13 dated 17.03.2023 being cross version of the case. On 25.06.2024, injured Muhammad Abbas and his brother Muhammad Zeeshan appeared before the court and brought into the notice of court that matter has been patched up between the parties and they have got no objection on confirmation of bail before arrest of accused/petitioner and later on his acquittal at trial stage. In this respect, the statement of Muhammad Abbas in person and as guardian of Muhammad Zeeshan on oath and Muhammad Zeeshan jointly recorded, wherein, endorsed that they have effected compromise with accused/petitioner and pardoned him unconditionally by waiving off their legal right of arsh, daman etc. and have got no objection on confirmation of bail before arrest of accused/petitioner or later on acquittal of accused/petitioner at trial stage. They have submitted compromise deed, Exh.PA, and Muhammad Abbas submitted copy of his CNIC,

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Exh.PB. Complainant and his brother were interviewed about the compromise, who stated at the bar that they have compounded the offence with their free will/consent and without any duress/pressure, which may be accepted.

Perusal of record reveals that accused/petitioner stands charged under section 324/34 PPC, however, parties have effected compromise with the accused/petitioner outside the court. As the offence with which accused/petitioner is charged is compoundable in nature and since compromise is in the best interest of the parties, hence, in the given circumstances sending the accused/petitioner behind the bars would serve no useful purpose as he has already joined the investigation, therefore, on accepting the compromise in hands, bail before arrest of the accused/petitioner Javid Khan is confirmed on the existing bail bonds. The matter of acquittal of accused/petitioner shall be dealt with in accordance with law by the concerned learned trial court on submission of complete challan for trial. Copy of this order be placed on judicial/police files for record.

File consigned to the record room after completion and compilation, while requisitioned record be returned forthwith after placing on it copy of the present order.

**Announced**  
01.07.2024

  
(Abdul Basit)  
Addl. Sessions Judge-II, Orakzai