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

Petition No. 63/4 of 2024

“Arsalan Khan... Versus ... The State etc.”

Order--04

02.07.2024

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 Arsalan Khan S/o Lal Asghar seeks confirmation of his pre-arrest bail provisionally granted to him in case FIR no. 05 dated: 17.03.2023 u/s 337, 337-F (iii), 337-F (iv), 324/34 and 352 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 Arsalan 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 area, another young boy was also overpowered and one pistol of 30

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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.

Today, Ibrahim Khan, Muhammad Sohaib, Mst. Makhmeena and Abdul Saood 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 including Muhammad Zeeshan and later on their acquittal at trial stage. In this respect, the statement of Ibrahim Khan in person and as guardian of minor Muhammad Sohaib and Mst. Makhmeena as guardian/real mother of minor Abdul Samood on oaths and statements of Abdul Samood and Muhammad Sohaib jointly recorded, wherein, endorsed that they have effected compromise with accused/petitioner including accused Muhammad Zeeshan and pardoned them unconditionally by waiving off their right of arsh, daman etc. and have got no objection on confirmation of bail before arrest of accused/petitioner or later on acquittal of

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accused/petitioner including accused Muhammad Zeeshan at trial stage. They have submitted compromise deed, Exh.PA, Ibrahim Khan submitted copy of his CNIC, Exh.PB and Mst. Makhmeena submitted her CNIC as Exh.PC. They 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 337, 337-F (iii), 337-F (iv), 324/34 and 352 PPC, however, parties have effected compromise with the accused/petitioner including Muhammad Zeeshan outside the court. As the offences with which the accused/petitioner is charged with 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 acceptance of compromise in hands, bail before arrest of the accused/petitioner Arsalan Khan is confirmed on the existing bail bonds. The matter of acquittal of accused/petitioner and Muhammad Zeeshan shall be dealt with by the concerned learned trial court in accordance with law 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
02.07.2024


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