

IN THE COURT OF SESSIONS JUDGE, ORAKZAI AT BABER MELA

(P)

Case Title: Imran Khan VS State etc

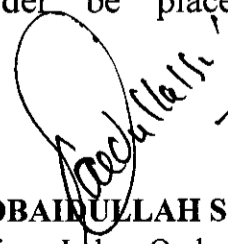
Serial No of order or proceedings	Date of Order Proceedings	Order or other Proceedings with Signature of Judge or Magistrate and that of parties or counsel where necessary.
1	2	3
Order No.03	25.07.2024	<p>DPP, Umar Niaz for the State present. Accused/petitioner, Imran on ad-interim pre-arrest bail in person along with his counsel present. Mr. Sana Ullah Khan Advocate present and submitted Wakalatnama on behalf of complainant. Placed on file. Complainant not present.</p> <p>The accused/petitioner, Muhammad Ajmal, seeks confirmation of his ad-interim pre-arrest bail in case FIR No. 35, Dated 15.05.2024, u/s 506,337A(i),148,149 PPC of Police Station Kalaya wherein, as per contents of FIR, the complainant vide naqal mad no. 05 of 05.05.2024 at about 1730 hours made a report to the police to the fact that on that day at about 1500 hours, the present accused/petitioner along with Khawja Muhammad, Khursheed, Musawir, Arif Ullah, and Muhammad Hayat were busy in ploughing in a disputed land through a tractor when the complainant asked them to stop and wait for a civil court order but they got furious and started beating him with pistol and butt stock as a result of which he received injuries on head besides made aerial firing to criminally intimidate the complainant. The matter was referred and inquired by the local police on the basis of which the instant FIR was registered.</p> <p>Perusal of the case file shows that though the accused/petitioner is directly nominated in the instant FIR; however, it is yet to be determined during trial that whether the injuries inflicted upon the complainant are caused by the accused/petitioner or otherwise. Moreover, no empty has been recovered from the spot. The co-accused with similar role have been released on bail by learned Judicial Magistrate-I, Tehsil Courts Kalaya. Above all, the superior courts in multiple judgments</p>


Syed Obaidullah Shah
District & Sessions Judge
Orakzai at Baber Mela

FIR no. 35, Dated: 15-05-2024, u/s 506/337A(i)/148/149 PS Kalaya
PPC

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<p>Contin. Order No.03</p>		<p>quoted that in absence of malafidi or ulterior motive, the court can exercise its judicial discretion in case the accused/petitioner succeeds to make out his case for regular bail. Reliance is placed on 2011 YLR 1366 which states that;</p> <p><i>“Where arrest of accused was not necessary requirement of the Investigation Agency, sending accused behind the bars only for the reason that he could he could be released on bail after his arrest was altogether unjustified”.</i></p> <p>While 2003 P Cr. LJ619 also quotes that;</p> <p><i>“In Absence of malafidi or ulterior motive on the part of police is not allowed to debar an accused from concession of bail if he succeeds to make out his case for bail”.</i></p> <p>In these circumstances, no useful purpose of the prosecution would be served to commit the accused/petitioners to police custody except the probability of injustice harassment of the police.</p> <p>Therefore, in the light of above, the bail petition in hand stands accepted and ad-interim pre-arrest bail earlier granted to the accused/petitioner Imran Khan stands confirmed on the strength of existing bail bonds.</p> <p>Order announced. File of this court be consigned to record room after its necessary completion and compilation. Copy of this order be placed on judicial/police file.</p> <p>Dated: 25.07.2024</p> <div style="text-align: right;">  (SYED OBAIDULLAH SHAH) Sessions Judge, Orakzai at Baber Mela </div>

