


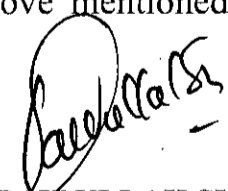
IN THE COURT OF SESSIONS JUDGE, ORAKZAI AT BABER MELA

Case Title: Khwaja Muhammad 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. |
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| Order No.03 | 27.09.2024 | <p align="center">DyPP, Iftikhar for the State present.</p> <p>Accused/petitioners, Khwaja Muhamamd, Khursheed Alam and Mussawir Khan on ad-interim pre-arrest bail along with their counsel present. Complainant, Asghar Khan along with his counsel Mr. Sana Ullah Khan Advocate present. Record received.</p> <p>Vide this order, I intend to dispose of BBA petition no. 69/4, dated 18.09.2024 titled as "Asghar Khan VS State etc" as well .</p> <p>The accused/petitioners, Khwaja Muhammad, Khursheed Alam and Mussawir Khan seek confirmation of their 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 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/petitioners were busy in ploughing in a disputed land through a tractor when he asked them to stop and wait for a civil court order but they got furious and started beating him with pistol and butt of rifles, as a result of which he received injuries on his head. The accused/petitioners also 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>On the same day, the accused/petitioner Khwaja Muhammad (accused in DD no. 5), vide DD no. 06 of 05.05.2024 at about 1740 hours, has made a report to the police to the fact that on that day at 1500 hours, he was busy in ploughing in his land through a tractor when the accused Asghar Khan (complainant in DD no.5) along</p> |


 Syed Qasim Shah
 District Sessions Judge
 Orakzai at Baber Mela

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| | | <p>with co-accused came there, restrained him from ploughing and criminally intimidated him by aiming a pistol upon him besides used abusive language. Hence, the present case.</p> <p>Argument heard and record perused.</p> <p>Perusal of the case file shows that there are two different versions of the parties, making the case as one of further inquiry to the fact that which of the party is aggressor and who has been aggressed upon. Moreover, being cross version the parties raised no objection upon confirmation of bail before arrest of either party. Furthermore, the prosecution has failed to elucidate the consequential purpose that would be served by committing the accused/petitioner to police custody.</p> <p>In these circumstances, the bail petition in hand stands accepted and ad-interim pre-arrest bail earlier granted to the accused/petitioners 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.</p> <p>BBA of accused/petitioner Asghar Khan is also confirmed on the strength of existing bail bonds. Copy of this order be placed on the above mentioned titled case.</p> <p>Dated: 27.09.2024</p> <p style="text-align: right;"> (SYED OBAIDULLAH SHAH) Sessions Judge, Orakzai at Baber Mela</p> |

