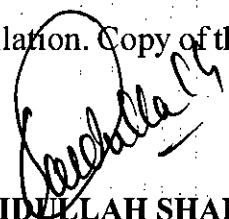


(3)

| Serial No of order or proceedings | Date of Order or Proceedings | Order or other Proceedings with Signature of Judge or Magistrate and that of parties or counsel where necessary.  |
|-----------------------------------|------------------------------|---|
| 1                                 | 2                            | 3   |
| Order No.02                       | 08.10.2024                   | <p>DPP, Umar Niaz for the State present. Accused/petitioners, <b>Feroz Khan, Asal Khan, Aman Ullah</b> s and <b>Muhammad Zahir</b> on ad-interim pre-arrest bail in person with their counsel present. Record received. Complainant present in person.</p> <p>The above-named accused/petitioners seek confirmation of their ad-interim pre-arrest bail in case FIR no. 56, Dated 25.09.2024, u/s 56 of the Khyber Pakhtunkhwa Mineral Act, 2017 registered at Police Station Kurez, wherein, as per contents of FIR, the complainant on 08.08.2024 made a report to the local police to the fact that the accused/petitioner with co-accused have obstructed mining operations of a holder of a mineral title namely, Sardar Khan and have illegally taken some articles. Hence, the present FIR.</p> <p>Arguments heard and record perused.</p> <p>Perusal of case file shows that though the accused/petitioners are directly nominated in the FIR but the offense for which the accused/petitioners are charged does not fall within the prohibitory clause of section 497 CrPC. Moreover, no inquiry has been conducted by the complainant to dig out the real facts of the case connecting the accused/petitioners with the commission of offence which clearly indicates the malafidi on behalf of the local police. 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. Accordingly, the BBA petition in hand stands accepted and the ad-interim bail earlier granted to the accused/petitioners is confirmed on the existing bonds.</p> <p>Order announced. File of this court be consigned to record room after its completion and compilation. Copy of this order be placed on police/judicial file.</p> <p>Dated: 08.10.2024</p> <p style="text-align: right;"><br/><b>(SYED OBAIDULLAH SHAH)</b><br/>Sessions Judge, Orakzai<br/>at Baber Mela</p> |

