

IN THE COURT OF BAKHT ZADA ADDITIONAL SESSIONS JUDGE-I,
ORAKZAI AT BABER MELA

BBA No : 07/BBA of 2024
Date of Institution : 30.10.2024
Date of Decision : 07.11.2024
FIR No. : 19
Dated : 20.10.2024
U/S : 324/148/149 PPC
PS : Dabori

ORDER
07.11.2024

DyPP, Iftikhar Ahmad for the State present.

Accused/petitioners through Abid Ali Advocate present. Record received. Arguments heard.

(2). Accused/petitioner Riaz Ullah seek confirmation of his ad interim pre-arrest bail in case FIR no. 19, dated 20.10.2024, U/S 324/148/149 PPC of Police Station Dabori.

(3). Facts of the case are that complainant/SHO PS Dabori sent Murasila to the PS wherein, he has alleged that on 20.10.2024 at 1700 hours, he along with constables, Shahid Gul No. 1714, Muhammad Asim No. 1906 and other police officials were present at the place of occurrence during gasht meanwhile, he heard the sound of heavy firing and thereafter, he went towards the place of occurrence and on query, he was informed that Party 1: namely (1). Muhammad Karim S/O Gul Afzal, (2). Riaz Ullah S/O Muhammad Karim and Party 2: namely (1). Muhammad Ashraf S/O Chinar Gul residents of Mala Khel were making firing

Gul Afzal
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at each other with intention to kill due to the dispute of landed property and closing the pathway. That due to the said firing, the people of the surrounding got feared and that both the parties have decamped from the place of occurrence before the arrival of the police. Both the parties were found to be involved in the offence. The Murasila was drafted and sent to PS for registration of FIR through Constable Shahid Gul No. 1714 and hence, the above-mentioned FIR was registered.

- (4). After hearing arguments, available record perused which shows that no private complainant has made any report regarding firing at his person with intention to kill. The bare perusal of report shows that SHO who is complainant in the instant case himself arrived at the spot after closing of alleged firing and he himself is not the eye-witness of the occurrence. Despite of the fact that complainant was not present at the spot, still he managed to show the points of presence of each accused to the IO and he has prepared the site plan over his pointation. The source of information of the complainant is not shown in the report and it cannot be determined from the available record that who has attempted at the life of whom. No person has been reportedly injured. Prima facie the role of attempting at the life of someone has not been attributed to any person or party and on this score, there is room for further probe into the guilt of the accused/petitioner. The petitioner having been not

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assigned any overt act in the report. Although bail before arrest is an extraordinary relief and the scope of which is narrow, but in the present case the accused/petitioner will ultimately be released on bail even if his bail before arrest petition is dismissed, because all the other co-accused have already been released on bail, therefore, I hereby accept the instant BBA petition. Ad-interim bail earlier granted to the accused/petitioners is confirmed on the strength of existing bonds.

- (5). Copy of this order be placed on police/judicial file. Case file be consigned to the record room after its necessary completion and compilation while record be returned back to the quarter concerned.

Announced
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CERTIFICATE

Certified that this order consists of three (03) pages pages. Each page has been read, corrected wherever necessary and signed by me.

Dated: 07.11.2024

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Additional Sessions Judge-I, Orakzai
at Baber Mela