

NIAZ KHAN ETC VS STATE

FIR no. 63, dated 22.11.2024, u/s 379-427-147-149 PPC, PS Mishti Mela

5

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

Bail Before Arrest App: No: 29/4 of 2024
Date of Institution : 18.12.2024
Date of Decision : 08.01.2025

NIAZ KHAN ETC VS THE STATE

ORDER

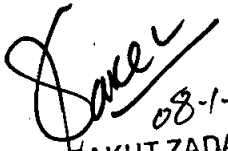
08.01.2025

Sr.PP, Abul Qasim for the State present.

Accused/petitioners (1) Niaz Khan s/o Mehraban Khan and (2) Khalid s/o Sarwar Khan on ad-interim pre arrest bail along Mr. Sana Ullah Khan Advocate present.

(2). Accused/petitioner, (1) Niaz Khan s/o Malak Mehraban Khan and (2) Khalid s/o Sarwar Khan are seeking confirmation of their already granted ad-interim pre-arrest bail in case FIR no. 63, dated 22.11.2024 u/s 379/427/147/149 PPC of police station Mishti Mela.

(3). Facts of the case are per report are that the complainant on 10.11.2024 at 0900 hours vide daily diary no. 9 made a report to the local police to the effect that he belongs to caste Mishti, Tapa Darwi Khel and owns agricultural land comprising four fields. That the accused/petitioner along with co accused on 16.10.2024 have forcefully harvested and have taken it. In this respect, he made report to the local police, who intervened and restrained the accused/petitioners and co


08-1-25
BAKHT ZADA
Addl. District & Sessions Judge-1,
Orakzai at Hangu

NIAZ KHAN ETC VS STATE

FIR no. 63, dated 22.11.2024, u/s 379-427-147-149 PPC, PS Mishti Mela

6

accused, however, when the police left the place of occurrence, they continued to cut the crop. The matter was investigated, the SHO of PS Mishti Mela and hence, the instant FIR.

(4). Arguments heard and available record perused which shows that there is a civil dispute between the parties in respect of the ownership of the property in question and prior to the instant FIR, two other FIRs were also registered against the accused/petitioners and therefore, their false implication in the instant case cannot be ruled out. Ad-interim pre arrest bail of another co accused namely Muhammad Nawaz with the similar role has already been confirmed by the Hon'ble District and Session Judge, Orakzai vide his order dated 11.12.2024, therefore the present accused/petitioner are also entitled for confirmation of their bail on the principle of consistency. The accused/petitioners have already joined the investigation and they are no more required for investigation, besides noting is to be recovered from their possession. The recalling of pre arrest bail will serve no useful purpose.

(5). Therefore, in the light of above, the BBA in hand stands accepted and ad-interim pre-arrest bail earlier granted to both the accused/petitioners, namely Niaz Khan s/o Mehraban Khan and (2) Khalid s/o Sarwar Khan stand confirmed on the strength of existing bail bonds.

Jaceli
08-01-25
BAKHT ZADA
Addl: District & Sessions Judge-1,
Orakzai at Hangu


NIAZ KHAN ETC VS STATE

FIR no. 63, dated 22.11.2024, u/s 379-427-147-149 PPC, PS Mishti Mela

7

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

Announced
08.01.2025


08-01-25
BAKHT ZADA
Additional Sessions Judge-I, Orakzai
at Baber Mela