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IN THE COURT OF ADDITIONAL SESSIONS JUDGE-I, ORAKZAI

JAMSHID KHAN VS STATE

FIR no. 56 Dated 23.10.2024, U/S 379/34, PS Mishti Meal

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. 3	19.11.2024	<p>Sr. PP Abul Qasim for the state present. Complainant, Safi Ullah present in person. Accused/petitioner, Jamshid Ullah alias Jamshid Khan s/o Mastan Shah on ad-interim pre arrest bail along with counsel present.</p> <p>The accused/petitioner, Fazal Malik s/o Mastan Shah seeks confirmation of his ad-interim pre-arrest bail in case FIR no. 56, dated 23.10.2024, u/s 379/34 PPC of PS Mishti Mela.</p> <p>According to record initially complainant, Safi Ullah s/o Safar Khan on 01.10.2024 at 1300 hours reported the matter to ASHO PS Misthi Mela vide naqal mad no.8, dated 01.10.2024, that he is owner of the landed property near Shaho Khel which is in possession of one, Mastan Shah for the last 30 years as tenant. Now, since 2012 sons of Mastan Shah namely (1) Jan Muhammad, (2) Jamshid Ullah, and (3) Wakeel Shah are in illegal possession of the suit property and several jirgas has been convened by the elders of the locality in this connection, but in vain. Later on, jirgas were convened with them by District Administration, Commissioner Kohat region and FATA tribunal which all were decided in his favour. The same were also not accepted by the accused. He further alleged that decision of court in respect of the dispute has been recorded in his favour by the Civil Court, District court, Session court and High court, but the accused are still bent upon cruelty with him. It is alleged that on the day of occurrence, he noticed that accused have cut a lot of popular trees from the property in dispute. That his report was sent to District Public Persecutor for legal opinion after conclusion of inquiry u/s 157 (i) Cr. PC, who opined for registration of instant FIR against the accused Arguments heard and available record perused which shows that there is civil dispute in respect of the ownership of the landed property between the parties and several rounds of litigation have taken place. Admittedly, the property is in possession of the present accused/petitioner along with other co accused. There is no ocular account mentioned in the report that</p>

Bakht Zada
19-11-24
BAKHT ZADA
Addl. District & Sessions Judge-1,
Orakzai Harigu

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JAMSHID KHAN VS STATE

FIR no. 56 Dated 23.10.2024; U/S 337/34 PPC, PS Mishti Mela

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1	2	3
Order No. 3 Continue	19.11.2024	<p>whether at the time of commission of offence the present accused /petitioner was present at the spot. Furthermore, the Hon'ble Peshawar High Court, Peshawar has already passed in order dated 16.08.2024 in CM No. 18-P/2024, that the present accused/petitioner shall not be dispossessed from the property in dispute. The matter is one of civil nature and the case of the petitioner is also otherwise fit for grant of bail. I, therefore, the instant application is accepted and the ad-interim bail earlier granted to the accused/petitioner is confirmed on the strength of existing bonds.</p> <p>File of this court be consigned to record room after its completion and compilation.</p> <p><u>Announced:</u> 19.11.2024.</p> <p><i>Bakht Zada</i> 19.11.24 (BAKHT ZADA) Addl: Sessions Judge-I, Orakzai at Baber Mela</p>