

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

BBA No : 18/4 of 2025
Date of Institution : 23.01.2025
Date of Decision : 30.01.2025

ORDER
30.01.2025

Sr. PP, for the State present. Accused/petitioner along with Mr. Khursheed Alam Advocate present. Record received. Arguments heard.

(2). Accused/petitioner Said Nawaz S/O Shahzad Gul r/o Bezot, Karghan, Lower Orakzai seek confirmation of his ad interim pre-arrest bail in case FIR no. 70, dated 03.08.2024, U/S 324/337(D)/34 PPC of Police Station Kalaya.

(3). Facts of the case are that complainant Muhammad Sadeeq initially reported the matter to ASHO Muqadar Khan at THQ Hospital Kalaya, where injured Said Wali S/O Baz Meer aged 49/50 years r/o Karghan District Khyber is lying in the emergency room in semi-unconscious condition, that his uncle injured Said Wali used to drive his Hiace on the route from Orakzai headquarter to Bara. Today on 03.08.2024 as usual he went to headquarter square Orakzai and at 08:30 AM one Khan Tab informed the complainant through his cell-phone that his uncle Said Wali has been injured by someone by making firing. On the said information the complainant reached to THQ hospital Kalaya where the injured was lying on

Said Nawaz
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the bed and some unknown persons have injured him by making firing through firearm. Motive for the occurrence is not known. He charged unknown accused for the commission of offence. Later on, on 15.09.2024 the complainant came to his senses and charged the present accused/petitioner Said Nawaz S/O Shahzad Gul along with other co-accused Gul Munir S/O Shahzad Gul for the commission of offence and the instant petition for bail before arrest.

- (4). Arguments heard and available record perused which shows that although the FIR was chalk out by the complainant against unknown accused but after gaining senses the injured recorded his statement before the Police wherein, he charged the present accused/petitioners along with co-accused for the commission of offence. Grant of bail before arrest is extra ordinary relief, the scope of which is narrow and in the present case no malafide on the part of complainant or police is pointed out by the counsel for accused/petitioner during his arguments, therefore, the accused/petitioner is entitled to the extra ordinary concession of bail before arrest. Hence the instant BBA petition is dismissed and ad-interim bail already granted to the accused/petitioner vide order 23.01.2025 is hereby recalled.

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- (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
30.01.2025

Bakht Zada
BAKHT ZADA
Additional Sessions Judge-I, Orakzai
at Baber Mela

CERTIFICATE

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

Dated: 30.01.2025

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