

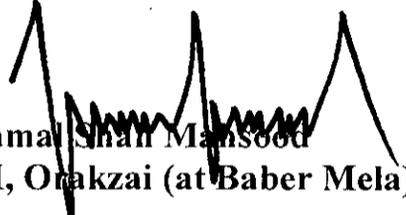
Or 03
13-06-2020

(4)

Present:

Accused/petitioner on interim bail
DPP Umar Niaz for State
Record received

The counsel for accused/petitioner is not available for arguments today. Adjourned for arguments to 17-06-2020.


Jamal Shah Mansood
ASJ-I, Orakzai (at Baber Mela)

BBA No. 61/BBA of 2020

Or 04
17-06-2020

Present:

Accused/petitioner on interim bail, along with Ibrahim Khan, Advocate (Fresh Wakalatnama submitted and placed on file)
DPP Umar Niaz for State

This order shall dispose of **pre-arrest bail** application of accused/petitioner **Fahim Khan** s/o Abdul Jalil r/o Ali Khel caste, Tapa Shawas Khel, PO Ghiljo, Kot Kallay, Upper Orakzai; who is charged in case **FIR No. 18**, dated 27-04-2020, u/ss. **33 NDMA Act, 2010** and **506/186/188/189 PPC of PS Upper Orakzai**.

The facts of the case, according to record, are; that a murasila was sent by Assistant Commissioner, Upper Orakzai Haider Hussain (complainant), to the local police station, on 27-04-2020, for registration of FIR. The complainant reported that he, along with Tehsildar, visited the mosques and bazars for implementing instructions/SOPs regarding precautionary measures of Covid-19. That one Najeeb Ur Rehman (co-accused), and 10-12 un-named persons, were sitting in a small shop; that they were directed to close the shop and follow Covid-19 SOPs; that some left the shop but others started using foul language; that they also scuffled with security officials and criminally intimidated the officials. The complainant


JAMAL SHAH MAHSUD
Addl. District & Sessions Judge-I,
Orakzai at Hangu

(5)

further alleged that the said person/s had also tried to instigate the local shopkeepers against the following of Covid-19 SOPs on 25-04-2020.

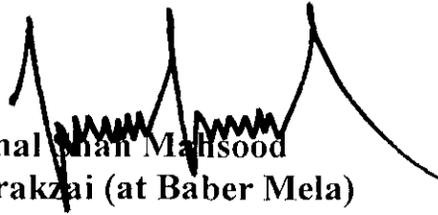
An FIR was registered on this complaint. During investigation the name of accused/petitioner was revealed to the IO by some special informer, on 20-05-2020 (i.e. about 03 weeks after the occurrence). Hence the instant petition.

Arguments of counsel for the accused/petitioner and DPP for State heard; the available record perused. Tentative assessment of which, for the purpose of deciding instant petition, shows that:

1. The accused/petitioner has been nominated as accused by some unnamed person, allegedly a police spy, almost 03 weeks after the occurrence.
2. According to statement of main accused, Najeeb Ur Rehman, recorded u/s 161 CrPC, the security staff of complainant had attacked him (Najeeb Ur Rehman); however, no investigation has been made in this regard. In these circumstances malafide on behalf of the complainant and local police cannot be ruled out.
3. The accused/petitioner has not been identified by the complainant, at the time of report or investigation.
4. All the sections of law imposed areailable.
5. The BBA of main accused, Najeeb Ur Rehman, has already been confirmed by the Worthy Sessions Judge.
6. The accused/petitioner joined investigation since grant of interim BBA on 03-06-2020, but so far, no material has been brought on record against him.

Resultantly, the instant pre-arrest bail petition of accused Fahim Khan, is **accepted** and the ad-interim pre-arrest bail already granted to him is confirmed on the existing bail bonds. Copy of this order be placed on record. Record be returned while this file be consigned to record room after necessary completion and compilation.

Announced
17-06-2020


Jamal Khan Mansood
ASJ-I, Orakzai (at Baber Mela)