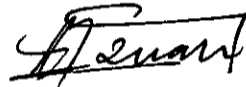


Order No. 02
18.12.2020

BBA file received on transfer from the court of ASJ-I, Orakzai. Be entered.

DPP, Umar Niaz for the state and counsel for accused/petitioners present. Accused/petitioners, Noor Muhammad, Shakir and Musafir Gul on ad-interim bail present. Record received. Arguments heard. After the arguments, complainant appeared alongwith Abid Ali Advocate and submitted Wakalatnama besides requested adjournment. Put up for arguments of the counsel for the complainant on 19.12.2020.



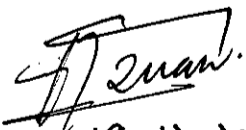
(ASGHAR SHAH)

Sessions Judge, Orakzai
at Baber Mela

Order No. 03
19.12.2020

DPP, Umar Niaz for the state present. Counsel for complainant present. Accused/petitioners, Noor Muhammad, Shakir and Musafir Gul on ad-interim bail present. Arguments of the counsel for complainant heard whereas DPP for the state and counsel for the accused already heard yesterday.

(2). Through the instant Bail Before Arrest petition, accused/petitioners Noor Muhammad, Shakir and Musafir Gul requested the confirmation of interim bail in case FIR no. 57 dated 10.12.2020 u/s 447/427/354/147/149 PPC of PS Upper Orakzai, wherein they alongwith others are charged for


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criminal trespass to the house of complainant, demolishing her house and causing damage to household articles lying therein besides the accused are not allowing them to take their luggage from the house and the said act of the accused was alleged as disgraced to the female folk of the complainant.


- (3). From the arguments and record available on file, it reveals that there is unexplained delay of 03 days in lodging the report as the occurrence was alleged on 16.11.2020 whereas the matter was reported to the local police through daily diary no. 5 on 19.11.2020. In the initial report, it is mentioned by the complainant ~~that~~ male members of her family are in jail and they are residing with their uncle. It was also alleged in the initial report that upon visit of the house on 16.11.2020, they found the same in demolished condition. It means that the occurrence is unwitnessed and even the complainant is not the eyewitness of the occurrence nor any other person was produced to have had seen the accused while committing the offence. The perusal of record further reveals that one, Shireen Gul, the father of some of the accused was killed for which the male members of complainant family are charged and behind the bar at the moment. It seems that in order to counterblast the said murder case, the present case has been registered. All the sections of law levelled in the

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instant case are bailable wherein the accused/petitioners are entitled for the concession of bail in their favour as matter of right. Moreover, none of the sections of law attracts the prohibitory laws of sections 497 Cr.P.C. The accused/petitioners have already joined the investigation and they are no more required for further investigation besides nothing is to be recovered from their possession as such the recalling of bail for observing certain codal formalities would not be justifiable. Thus, further inquiry would be attracted to the case of accused/petitioners and accordingly they are entitled for the confirmation of the interim bail in their favour.

- (4). Therefore, in the light of above, the BBA in hand stand accepted and ad-interim bail earlier granted to the accused/petitioners stand confirm on existing bonds.
- (5). File be consigned to Session Record Room after further compilation and completion.

Announced:
19.12.2020


(ASGHAR SHAH)
Sessions Judge, Orakzai
at Baber Mela

19.12.20.