

IN THE COURT OF ADDITIONAL SESSIONS JUDGE-II ORAKZAI, AT  
BABAR MELA

BBA No 31 of 2019

Date of Institution 19/11/2019

Speen Bad Shah etc Vs State

**ORDER**  
**02.12.2019**

Accused/petitioners on ad-interim pre-arrest bail present. Learned counsel for the accused/petitioners present. Syed Amir Shah APP for the State present. Zahir Bad Shah (Father of deceased) Mst: Balqees Bibi (widow of deceased) along with Misbah Ali and Muhammad Zaeem Shah elders of the locality present.

Accused/petitioners Speen Bad Shah s/o Zahir Bad Shah and Haroon Bad Shah s/o Speen Bad Shah r/o Melo Sar District Lower Orakzai are seeking the confirmation of their ad-interim pre-arrest bail in case FIR No.39 dated 27/10/2019 U/Sec 302/34 PPC of PS Lower Orakzai District Orakzai.

Brief facts of the case are that the accused/petitioners are charged for the murder of Ghairan Bad Shah, the husband of complainant Mst: Balqees Bibi r/o Melo Sar District Orakzai. The parties have affected compromise on the intervention of the elders of the locality and have pardon the accused/petitioners in the name of Almighty Allah. The deceased was survived by minor legal heirs namely Shakir Ullah, Fiaz Ullah (sons) and Mst: Zubia and Aleeza (daughters). The father of deceased Zahir Bad Shah and complainant Mst: Balqees Bibi, the widow of deceased recorded their joint compromise statement in respect of compromise with the accused/petitioners wherein they stated that they have pardon both the accused in the name of almighty Allah and have waved of their right of Qisas and Diyat and have got no objection in the ad-interim pre-arrest bail of the

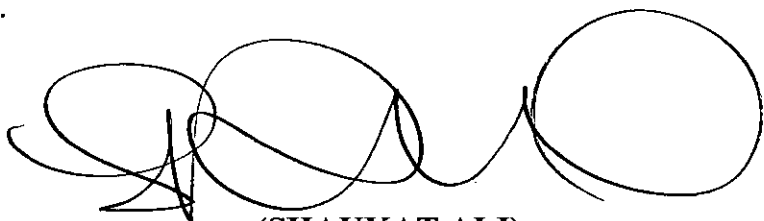
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accused/petitioners is confirmed and later on acquitted during trial. Mst: Balqees Bibi also stated that she has affected compromise on behalf of minor legal heirs of deceased. The accused transferred landed property at Moza Jarma District Kohat and a Plot situated at Melo Sar Teerah District Orakzai in the name of minor legal heirs of deceased in lieu of Diyat, the possession of which is received by the mother of minors Mst: Balqees Bibi as stated by her in her statement. They produced the proforma of compromise and affidavit of compromise which are Ex.PA and Ex.PA/1. The mutation attested in favour of minor legal heirs was also produced which Ex. PB/2. The statement of Misbah Ali and Muhammad Zaeem Shah, the elders of the locality were also recorded in confirmation of compromise who confirmed the factum of compromise between the accused and legal heirs of deceased.

The accused and legal heirs of the deceased are relative inter se and the compromise between the parties is genuine which shall bring peace and harmony between the parties. The offence is compoundable and all the legal heirs have affected compromise therefore in the best interest of justice the compromise is accepted and the bail petition in hand is accepted on the basis of compromise and the ad-interim pre-arrest bail granted to the accused/petitioners vide order dated 19/11/2019 is hereby confirmed on the strength existing bail bonds.

File of this Court be consigned to record room after its necessary completion and compilation.

**Announced**  
**02.12.2019**



**(SHAUKAT ALI)**  
Additional Sessions Judge-II,  
Orakzai at Babar Mela  
**SHAUKAT ALI**  
Addl: District & Sessions Judge-II,  
Orakzai at Hangu