

(4)

AMIN ULLAH VS NOOR NOOR NAWAZ  
BCA NO. 104/4, DATED 29.10.2024

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

BCA No. : 29/4 of 2022  
Date of Original Institution: 29.10.2024  
Date of transfer-in : 20.11.2022  
Date of Decision : 20.11.2022

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ORDER  
20.11.2024

Case file received from the court of learned

AD& SJ-II, Orakzai, pursuant to order of the  
Hon'ble District & Sessions Judge, Orakzai bearing  
endorsement No. 7204-13/DSJ/ORK, dated:  
16.11.2024, in compliance with directions contained  
in posting order of Mr. Abdul Basit, AD& SJ,  
Orakzai (to district Swat) bearing Endorsement No.  
9562-9662/ Admin, Dated 06th November, 2024 of  
Peshawar High Court, Peshawar. It be registered.

Sr. PP for the State present.

Petitioner/complainant in person along with  
counsel present. Respondent Noor Nawaz present  
alongwith his counsel Sana Ullah Khan Advocate.

- (2). Petitioner/complainant Amin Ullah s/o Rafi  
Ullah has submitted the instant Bail Cancellation  
application against respondent/accused namely, (1)  
Noor Nawaz s/o Niaz r/o Dowri Khel central  
Orakzai, who was charged in case FIR no. 53 dated  
24.09.2024 registered u/s 365, 392,337A(i) 337  
A(iii), 337 F(i), 342/506/382/447/148/149 PPC of PS  
Mishti Mela.

*Bakht Zada*  
20-11-2024  
BAKHT ZADA  
Addl. District & Sessions Judge-1,  
Orakzai at Hangu

(5)

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(3). The petitioner/complainant has alleged that the respondents/accused were released by the Judicial Magistrate-II, Kalaya vide his order dated 30.09.2024. That solid evidence against the respondent/accused is available on the case file to the effect that abductee was recovered from the house of accused. That after release of the accused on bail new section of law were inserted in the FIR at the opinion of the learned DPP and the accused has not granted bail in the said section of law. He prayed for cancellation of the bail of the accused/respondent.

(4). Arguments heard and available record perused which shows that learned Judicial Magistrate has released the above-mentioned respondent/accused on bail vide his order dated 30.09.2024. after perusal of the contents of the FIR and he has categorically mentioned several grounds for release of the accused on bail, but except the insertion of new section of law no ground for the cancellation of bail of the accused mentioned in section 497(5) Cr. PC have been agitated in the application or during arguments. Once bail is granted by the court of competent jurisdiction on the basis of valid reasons, the same cannot be recalled/cancelled until and unless exceptional grounds are established by the prosecution. No exceptional grounds are mentioned in the application. As for as the insertion of new section of law is concerned the court while granting

*Sanjay*  
20-11-2024  
BAKHT ZADA  
Addl: District & Sessions Judge-1,  
Orakzai at Hangu

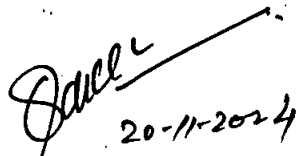
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bail always consider the contents of FIR, rather than the numbers or section of law mentioned in the relevant column of FIR, furthermore, there is no circumstances mentioned by the petitioner that the accused/respondent can misuse his liberty by indulging in similarly criminal activities. Similarly, there is no apprehension that the accused/respondent can make any attempt to temper the persecution evidence. Furthermore, no reasonable grounds have been brought on record under the law, therefore the instant application for bail cancellation being devoid of merits is hereby dismissed. Requisition record be returned to quarter concerned.

- (5). File of this court be consigned to record room after its necessary completion and compilation.

**Pronounced**  
20.11.2024

  
20-11-2024  
**BAKHT ZADA**  
Add: Sessions Judge-I, Orakzai  
at Baber Mela