

SHAKEEL ETC VS STATE

FIR no. 29, dated 12.11.2024, U/S 337-A(i)/337-F(v)/506/148/149
PPC, PS Ghiljo

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

BBA : 13/04 of 2024
Date of Institution : 16.11.2024
Date of Decision : 10.12.2024

ORDER

10.12.2024

Sr. PP, Abul Qasim for the State present.

Complainant through his father, Sheran Gul present. Accused/petitioners on ad-Interim bail along with their counsel Mr. Shabeer Ahamd Advocate present. Record received.

(2). Accused/petitioners, 1. Shakeel, 2. Nizrab, 3. Yar Badshah, 4. Taufeeq, 5. Aurangzeb, 6. Syed Umar, 7. Munawar Shah, 8. Zaki Khan and 9. Zahid all r/o Saifal Dara caste Rabia Khel District, Orakzai are seeking confirmation of their pre arrest bail in case FIR no. 29, dated 12.11.2024 u/s 337-A(i), 337 F(v), 506, 148, 149 PPC of police station Ghiljo.

(3). Facts of the case are that written report/ DD was received from SHO Saleem Khan through constable Ashraf Ali according to which the SHO received information during Ghashth that an injured is brought to THQ hospital Ghiljo. On the said information he rushed there and found Yousaf Khan s/o Noran Gul and Said Gul s/o Sawab Gul were found in the emergency room in injured condition in THQ Hospital Ghiljo where injured complainant Yousaf Khan reported being well

Bakht Zada
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Addl: District & Sessions Judge-1,
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oriented in time and place reported on 22.10.2024 at 1530 hours that on the eventful day he along with his friend injured Said Gul departed from house for Anjeer Paty Dokan for selling wood through three donkeys. When they reached near Charbagh, in the way (1) Shakeel (2) Nizrab sons of Yar Badshah (3) Yar Badshah s/o unknown (4) Taufeeq s/o unknown (5) Aurangzeb s/o unknown (6) Said Umar s/o unknown (7) Munawar Shah s/o unknown (8) Zaki s/o unknown and (9) Zahid s/o unknown residents of Qoam Rabia Khel, Saifal Dara were already present duly armed. They warned me to leave the wood there and returned back. The complainant and his friend injured Said Gul refused due to which they became angry and attacked the complainant and his friend. Accused Nizrab and Yar Badshah caught hold the complainant while Shakeel and Said Umar started beating him and injured Said Gul was caught hold by accused Aurangzeb and Munawar Shah while accused started beating him while accused Zahid and Taufeeq made aerial firing for criminal intimidation. They took complainant and his friend to "baitak" where they were tied with rope and later on the villagers released the complainant and his friend. Motive of the occurrence was the disputed-on land property. He charged the above-named accused.

(4). Arguments heard and record gone through perused.

Said Gul
10.12.24
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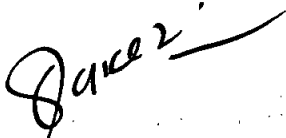
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- (5). Perusal of the case file reveals that the accused/petitioners are directly nominated in the FIR. Counsel for the accused/petitioners failed to point out any malafidi or ulterior motive on behalf of police or the complainant for falsely implicating the accused/petitioners in the instant case. In these circumstances, the accused/petitioners are not entitled to the extraordinary concession of bail, hence the instant BBA petition is dismissed and ad-interim bail earlier granted to the accused/petitioners vide order 16.11.2024 is recalled.
- (6). Order announced. File of this court be consigned to record room after its necessary completion and compilation. Copy of this order be placed on police/judicial file.

Announced
10.12.2024


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