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Shahid Malak Vs State

FIR no. 15, dated 15.02.2025, u/s 392/353/342/148/149 PPC, PS Kalaya

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

Bail Before Arrest App: No: 30/4 of 2025

Date of Institution : 21.02.2025

Date of Decision : 05.03.2025

SHAHID MALAK VS STATE

ORDER

05.03.2025

Sr.PP, Abul Qasim for the State present.

Accused/petitioner, Shahid Malak s/o Haji Malak r/o
caste Stori Khel, Tapa Mala Khel, Tehsil Lower,
District Orakzai on ad-interim pre arrest bail along Mr.
Sana Ullah Khan Advocate present.

(2). Accused/petitioner, Shahid Malak s/o Haji Malak is
seeking confirmation of his already granted ad-interim
pre-arrest bail in case FIR no. 15, dated 14.02.2025, u/s
392/353/342/148/149 PPC of police station Kalaya.

(3). Facts of the case are that complainant SHO PS
Kalaya sent Murasila to the PS for registration of FIR,
wherein it is alleged that he attracted to the place of
occurrence on information where constable Shahid
Khan No. 430 reported that on 14.02.2025 at 2340
hours, he along with constable Abdul Malik No. 319,
Azmat No. 422, Gul Hayat No. 432, Shah Wali No.
434, Kashmali Khan No. 1466 were present at Mandra
Khel Check-Post, in the meanwhile one Shahid Ullah
s/o Bashir Khan, Shahid Khan s/o Haji Malak r/o Stori
Khel came there and sat with others constables insight

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[Signature]

the room. Shahid Ullah inquired that why his brother is arrested and asked for his release. Later on, after some time Asif s/o Ghalib Khan, Sabir Rehman s/o Haji Gul, Waseem Ikram s/o Malak Jan, Musawir s/o Lal Ahmad, Shahid s/o Hamad Gul, Hazrat s/o Arif Khan and Younis s/o Buniar r/o Stori Khel along with other persons duly armed forcibly entered the check post and closed all the constables in a room. That they took the complainant out of the check post and forcibly snatched his Kalashnikov and took the same with them. The complainant returned to the check post and opened the room where the other constables were confined. He charged the above-mentioned persons for the commission of offence.

- (5). Arguments heard and available record perused, which shows that which shows that in the report no specific role for any overt act or commission of any offence has been attributed to the accused/petitioner Shahid Malak. The report is silent about the fact that whether the accused/petitioner was present at the time of commission of offence in the place of occurrence. furthermore, during arguments learned counsel for the petitioner stated at the bar that present accused/petitioner does not belong to the family of accused Shahid Ullah s/o Bashir Khan, whose brother was arrested. During investigation he has disclosed before the IO that he was present in his house at the

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time of occurrence: No recovery has been effected from his possession. The accused/petitioner has joint investigation and his case is otherwise fit for regular bail, therefore, sending him to jail for 2/3 days will not serve any useful purpose except humiliation, therefore, I hereby accept the instant petition for bail before arrest and already granted ad-interim pre-arrest bail to the accused/petitioner Shahid Malak stands confirmed on the strength of existing bail bonds. The above findings being tentative in nature and would have no effect upon the trial of the accused/petitioner.

- (7) Copy of this order be placed on police/judicial file while requisitioned record be sent back to the quarter concerned. Case file be consigned to record room after its completion and compilation.

Announced
05.03.2025



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