

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

BBA No : 26/4- BBA of 2025
Date of Institution : 27.02.2025
Date of Decision : 13.03.2025

ORDER
13.03.2025

Sr. PP, for the State present. Accused/petitioner
along with Sana Ullah Khan Advocate present.
Arguments heard.

(2). Accused/petitioner Khial Jan S/O Nazrab Shah
r/o Qaum Ali Khel, Tappa Jasrath Khel, District
Orakzai seeks confirmation of his ad interim pre-arrest
bail in case FIR no. 22, dated 10.12.2024, U/S 324/34
PPC of Police Station Dabori, Orakzai.

(3). Facts of the case are that complainant injured
Anayat Khan reported the matter to Muhammad Ishaq
Khan SHO in the emergency room of Type-D Hospital
Dabori that he along with his brother Shaheed Khan,
servant Khalil Khan S/O Sarwar Shah were busy in
bringing the cannabis crops to their house on
10.02.2024. In the meanwhile, at 1220 hours when
they reached the property of village Baghnaak, one
Khial Jan S/O Nazrab Shah was standing in the way
near his house and called his son Hazrat Ullah with
loud voice to shoot them. On his order accused Hazrat
Ullah started firing at them from the roof top of his
house with intention to kill due to which the
complainant hit on left arm and got injured while his

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brother Shaheed Khan and Servant Khalil Khan luckily escaped unhurt. The occurrence is witnessed by Shaheed Khan and Khalil Khan besides the complainant. Motive behind the offence is dispute over the pathway. He charged both the abovementioned accused for the commission of offence.

- (4). Arguments heard and available record perused which shows that the accused/ petitioner is directly charged in the FIR. There is no malafide on the part of the police or the complainant pointed by the counsel for the accused/petitioner. BBA is an extraordinary relief which is to be granted to the accused/petitioner, although the FIR was chalk out by the complainant against unknown accused but after gaining senses the injured recorded his statement before the Police wherein, he charged the present accused/petitioners along with co-accused for the commission of offence. Grant of bail before arrest is extra ordinary relief, the scope of which is narrow and in the present case no malafide on the part of complainant or police is pointed out by the counsel for accused/petitioner during his arguments, therefore, the accused/petitioner is not entitled to the extra ordinary concession of bail before arrest. Hence the instant BBA petition is dismissed and ad-interim bail already granted to the accused/petitioner vide order 23.01.2025 is hereby recalled.


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Khial Jan Vs State etc
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- (5). Copy of this order be placed on police/judicial file. Case file be consigned to the record room after its necessary completion and compilation while record be returned back to the quarter concerned.

Announced
13.03.2025

Quel
13.7.25

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Additional Sessions Judge-I, Orakzai
at Baber Mela