

Case Title: Khursheed and others VS State

Order...01
04.02.2023

Bail Petition submitted through counsel Malak Yasir Iqbal Advocate. Since the Worth Senior Civil Judge, Orakzai is on casual leave, therefore, the instant petition be entered in the relevant register of this court.

Notice be issued to the State for record and complainant for 06.02.2023.

Sami Ullah

Sami Ullah
Judicial Magistrate-I/MOD,
Orakzai (at Baber Mela)

Order...02
06.02.2023

APP for the state present. Accused/Petitioners through their counsel present. Complainant in person.

The petitioners/Accused namely Khurshid S/O Sakhi Badshah, Inam Ullah S/O Sakhi Badshah and Wahid Ullah S/O Afzal Khan have applied for their post arrest bail in connection with case FIR No. 02, Dated: 25.01.2023 U/S 392,353,186 and 189 PPC registered in PS Ghiljo, Upper Orakzai.

Arguments by learned counsel for accused and learned APP heard and file perused.

Perusal of record reveals that there is promptly lodged FIR in the instant case. The accused namely Khurshid has confessed his guilt and recorded his statement u/s 164 Cr.P.C before the court. Recovery has been affected on the pointation of the accused along with the knife used in the offence. There is day light occurrence. Prima

(Continued.)

Sami Ullah

Sami Ullah
Civil Judge/JM-I
Orakzai at (Babar Mela)

Khurshid and others Vs State

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facie case is made out against the accused. Also, the section of law levelled against the accused is falling within the prohibitory clause of section 497 Cr.P.C and the offence is heinous in nature.

As far as involvement of other two co-accused besides the one Khurshid, in the commission of offence is concerned, the accused namely Khurshid has recorded in his 164 statement that the other co-accused were involved in the commission of offence alongwith himself. Moreover, the complainant has also nominated the said three accused in his 164 statements before the court.

Thus, in these circumstances the accused is not entitled to the concession of bail at this stage, hence, application in hand is Dismissed.

Copy of this order be placed on police record and the instant File be consigned to record room while record be sent back to the quarters concerned.

ANNOUNCED
06.02.2023

Sami Ullah
Sami Ullah
Judicial Magistrate-I
Orakzai (at Baber Mela)
06.02.2023