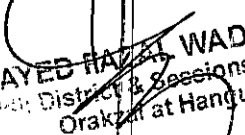


6

**IN THE COURT OF ADDITIONAL SESSIONS JUDGE/JUDGE SPECIAL COURT  
ORAKZAI, AT BABAR MELA**

BA No. 01/4 of 2023  
Muhammad Tariq vs State

Serial No of order or proceedings	Date of Order Proceedings	Order or other Proceedings with Signature of Judge or Magistrate and that of parties or counsel where necessary
1	2	3
Order	16/01/2023	<p>Mr. Abid Ali Advocate for accused/petitioner; Umar Niaz DPP for State are in attendance.</p> <p>2. This is the disposal of Post arrest bail application presented by accused/petitioner Muhammad Tariq son of Laiq Shah resident of Qaum Mishti Tappa Mamizai, village Mandati, Tehsil Central District Orakzai on fresh ground of Medical.</p> <p>3. Complainant Laiq Shah being father of both the deceased, charged the accused/petitioner Muhammad Tariq for Qatl-e-amd of his two daughters. Murasila was drafted which was converted into FIR bearing No.26 dated 14-07-2022, registered at Police Station, Mishti Mela under sections 302/324/ of the Pakistan Penal Code-1860 with addition of Section-15 of KP Arms Act 2013. Accused/petitioner Muhammad Tariq being behind the bar presented post arrest bail petition which was dismissed on its merits. Petitioner presented another application on fresh ground of Medical, which is under consideration.</p> <p>4. Learned counsel for accused/petitioner and learned District Public Prosecutor for State were heard at length and file gone through.</p> <p>5. This is tentative assessment of record available on file as deep appreciation of case file is neither required nor warranted at this stage. Accused has presented instant application for grant of post arrest bail on the sole fresh ground of ailment. The documents pertaining to illness of the accused have been referred to Medical Board constituted for the purpose including physical examination of such accused. The 04 members Medical Board consisting upon Orthopedic Surgeon, Medical Specialist, General Surgeon and Deputy Medical Superintendent has</p>

  
**SAYED HAZIQ WADOOD**  
Additional District & Sessions Judge  
Orakzai at Hangu

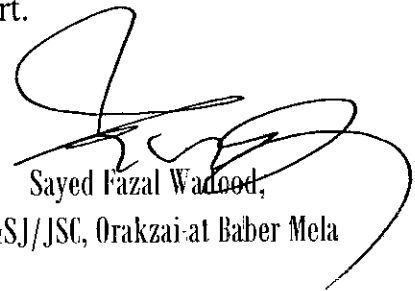
2  
opined in a Report dated: 11-01-2023 in following terms;

*"At the moment, the accused has no sign or symptoms of physical illness. However, a psychiatrist opinion can be sought for possible mental illness/problem to take final decision for his further stay in Jail. It was further remarked that he is oriented in time, place and person, vitally stable, good built in normal health.*

6. Correct criteria for grant of bail to an accused in non-bailable case on medical ground is that the sickness or ailment which the accused is suffering is such that it cannot be properly treated within the Jail premises and that some specialized treatment is needed and his continued detention in Jail is likely to effect the capacity or is hazardous to his life (2000 SCMR-107). In instant case, the opinion of Medical Board constituted for the purpose of examining the accused is self-explanatory; therefore sole ground of medical for grant of bail is not considerable.

7. For what has been discussed above, instant bail petition stands dismissed. File of this Court be consigned to District Record Room after its necessary completion and compilation within the span allowed for; whereas, copy of this Order be placed on record of Police to be returned accordingly.

8. Announced in open Court.

  
Sayed Fazal Wadood,  
AD&SJ/JSC, Orakzai-at Baber Mela