

(8)

IN THE COURT OF SHAUKAT AHMAD KHAN,  
SESSIONS JUDGE, ORAKZAI AT BABER MELA

Bail Application No : 24/4 of 2023

Date of Institution : 24.02.2023

Date of Decision : 09.03.2023

SYED QANOON SHAH ETC. VS THE STATE

ORDER

DPP Umar Niaz for the State, Hisam Raoun

Advocate for complainant and Hamid Sarfaraz

Advocate for accused/petitioners present.

Arguments heard and record gone through.

2. The accused/petitioners, **Syed Qanoon**

**Shah** s/o Gul Qasim and **Syed Yasir** s/o Syed

Tahir Hussain seek their post-arrest bail in case

FIR no. 02, dated 30.01.2023, u/s 302/324/337-

A(i)/337-A(ii)/34 PPC of Police Station Kurez

Boya, wherein as per contents of FIR, the

injured/complainant Shah Gul Hussain on

30.01.2023 at about 1930 hours at THQ Hospital

Kalaya with a dead body of his brother, Imam Ali

made a report to the local police to the fact that on

that day at about 1730 hours his brother Syed

Imam Ali while on way for offering prayer

towards the mosque, was going ahead of them,

when reached the spot of occurrence, the accused

Tahir Hussain duly armed, already present on the


Shaukat Ahmad Khan  
District & Sessions Judge,  
Orakzai at Baber MelA

09/03/23

9

spot, made firing at Imam Ali, as a result of which he got hit and died on the spot whereas the present accused/petitioners along with co-accused armed with knives attacked them and caused injuries to him (complainant), Syed Muhammad Sajideen and Syed Muhammad Ameer Jaan. Hence, in the present FIR.

3. It is evident from the record that though the present accused/petitioners are directly nominated in the FIR and the offences u/s 302/324 PPC carry capital punishment; however, the present accused/petitioners have neither been shown armed with any weapon nor they are charged for participating in the murder of Imam Ali, while the question of vicarious liability for causing murder of Imam Ali is a question of further inquiry which will be determined during the trial. So far causing injuries to Muhammad Ameer Jaan, Muhammad Sajideen and the complainant, is concerned, no specific role is attributed to any of the present accused/petitioners. Moreover, the offences u/s 337-A(i) and 337-A(ii) PPC for which the accused/petitioners are charged, carry punishment for less than 10 years and do not fall within the prohibitory clause of section 497 CrPC. Moreover, nothing incriminating has been recovered from

  
Shaukat Ahmad Khan  
District & Sessions Judge,  
Orakzai at Baber Mela

09/03/23

(10)


possession or on pointation of the present accused/petitioners.

4. Hence, in view of what is discussed above, bail petition in hand stands accepted and the present accused/petitioners namely, **Syed Qanoon Shah** and **Syed Yasir** are admitted to the concession of bail provided each of the accused/petitioner submits bail bonds in sum of Rs. 200,000/- with two sureties each, each in the like amount to the satisfaction of Judicial Magistrate/MOD concerned. Sureties must be local, reliable and men of means.
5. Copy of this order placed on judicial/police

file. Consign.

**Pronounced**  
09.03.2023



  
**SHAUKAT AHMAD KHAN**  
Sessions Judge, Orakzai  
at Baber Mela