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**IN THE COURT OF ADDITIONAL SESSIONS JUDGE-II**  
**ORAKZAI, AT BABER MELA**

BA No. 59 of 2020  
Khadim Gul Vs State

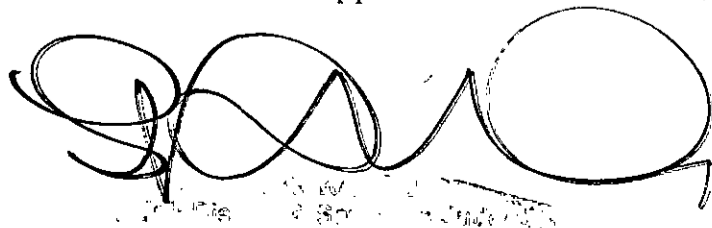
**ORDER**  
**18.11.2020**

Mr. Sanna Ullah Khan Advocate, learned counsel for the accused/petitioner present. Mr. Abid Ali Advocate, learned counsel for the complainant present and submitted W/N. Mr. Javid Iqbal Anwar Sr.PP for the State present.

Accused/petitioner Khadim Gul s/o Badshah Gul R/o Tribe Sada Khel, Tappa Suliman Khel Ghondaki Tehsil Upper District Orakzai is seeking his release on bail in case FIR No.47 dated 23/09/2020 U/Sec 302/324/34 PPC of PS upper Orakzai (Ghiljo) wherein the accused/petitioner is charged for the murder of deceased Umar Farooq s/o Zaiman Shah by firing through fire arm weapon.

Arguments of learned counsel for the accused/petitioner and learned Sr.PP for the state assisted by learned counsel for the complainant heard and record perused.

The tentative assessment of record would evince that the accused/petitioner is directly charge in the FIR with specific role of firing on the complainant and his brother Umar Farooq as a result of which brother of the complainant got hit and died on the spot whereas the complainant escaped unhurt. The complainant is the eye witness of the occurrence and the medical report available on file shows fire arm injury on the body of deceased which supports the version of complainant.

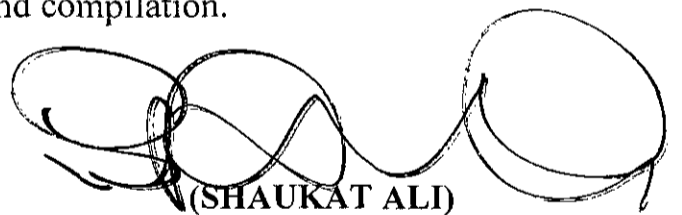


Furthermore the recovery of blood stained clothes of the deceased with bullet mark further supports the version of the complainant, hence the accused/petitioner is prima facie connected with the commission of offence. So far as the plea of alibi taken by the accused/petitioner is concerned that may be seen at the time trial after recording evidence as only tentative assessment is allowed at bail stage and one cannot go into deeper appreciation of record. The offence for which the accused/petitioner is charged falls within the prohibitory clause of section 497 Cr.P.C. In view of the available facts and circumstance of the case of the accused/petitioner is not arguable for the grant of bail.

In view of above, instant bail petition, being devoid of merits, stands rejected.

File of this Court be consigned to record room after its necessary completion and compilation.

**Announced**  
**18.11.2020**



(SHAUKAT ALI)  
Additional Sessions Judge-II,  
Orakzai at Babar Mela