

IN THE COURT OF ASGHAR SHAH SESSIONS  
JUDGE, ORAKZAI AT BABER MELA

Bail Application No : 71/4 of 2020  
Date of Institution : 05.12.2020  
Date of Decision : 09.12.2020

ZIARAT GUL ETC. VS THE STATE

ORDER


DPP, Umar Niaz for State, Syed Hamza Gilani Advocate for complainant and Jabir Hussain Advocate for accused/petitioners present. Arguments heard and record gone through.

2. Accused/petitioner, Ziarat Gul and Khan Zada seek their release on bail in case FIR No. 120, dated 26.11.2020 registered U/S 324/34 PPC and 15AA at Police Station Lower Orakzai Kalaya, wherein they are charged for effective firing at the complainant by means of firearm and thereby causing injuries to him.
3. The bail petition of the accused/petitioners was turned down by the court of JM-I, Orakzai vide order dated 03.12.2020, hence the bail petition in hand.
4. From the arguments and record available on file, it reveals that there is 4 ½ hours unexplained delay in lodging the report. The complainant in his




ASGHAR SHAH  
Sessions Judge, Orakzai  
at Baber Mela

initial report neither mentioned the kind of firearm weapon used in the commission of offence nor specified the body parts on which he received fire shots. In the initial report, the complainant alleged firing by means of firearm weapon but in the medico legal report the doctor has opined that the injury is caused by means of blunt weapon. The medico legal report is showing laceration on the forehead and abrasion on the dorsal of left hand and that's too by means of blunt object. The local police have not recovered the blood of injured from the spot besides the recovered two empties of 30 bore from the spot and recovery of 30 bore pistol at the pointation of accused Ziarat Gul are yet to be proved through report of the FSL being fired from the same weapon or otherwise. The absence of previous conviction/involvement, confession, independent witnesses would attract further inquiry to the accused/petitioners. Moreover, punishment for the offence u/s 337 PPC is compensation whereas imprisonment under the ibid section as well as u/s 324 PPC is discretionary and subject to 337-N (2) PPC besides section 15AA carries punishment for up to 07 years. Thus, case of accused/petitioners is arguable for the purpose of bail.

  
**ASGHAR SHAH**  
 Sessions Judge, Orakzai  
 at Baber Mela  
 09.12.20

- (11)
5. Hence, in the light of above, the bail petition in hand stand accepted and accused/petitioners are admitted to bail in sum of rupees 100,000 with two sureties each, each in the like amount to the satisfaction of this court. The prosecution is directed to submit complete challan of the accused within seven (07) days positively.
6. File be consigned to Session Record Room for after further necessary compilation and completion.

**Announced**  
09.12.2020

  
**ASGHAR SHAH**  
Sessions Judge, Orakzai  
at Baber Mela  
09.12.20