

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


Bail Application No : 46/4 of 2023
Date of Institution : 11.05.2023
Date of Decision : 18.05.2023

SAMI ULLAH VS THE STATE

ORDER

DPP, Umar Niaz for the State and Fawad Hussain Advocate for complainant present.
Accused/petitioner present through his cousin.
Arguments heard and record gone through.

2. The accused/petitioner, **Sami Ullah** s/o Hassan Gul after being refused to be released on bail vide order dated 03.05.2023 of learned Judicial Magistrate-I, Tehsil Kalaya, District Orakzai, seeks his post arrest bail in case FIR no. 37, dated 11.04.2023, u/s 324 PPC of Police Station Kalaya, wherein, as per contents of FIR, the injured/complainant Muhammad Arif on 11.04.2023 at about 1600 hours made a report to the local police to the fact that on that day at about 1530 hours, he along with his cousin Mast Ali were grazing their cattle in their field while the accused/petitioner Sami Ullah was planting trees in the field of the complainant who, on restraining by the complainant, got furious, put out his pistol and made firing at him (complainant) as a result of which he (complainant) got hit and received injuries. The accused/petitioner also made firing at Mast Ali, the cousin of


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complainant, but he luckily escaped unhurt. Hence, the present FIR.

3. It is evident from the record that the accused/petitioner is directly nominated in the FIR. The offence for which the accused/petitioner is charged falls within the prohibitory clause of 497 Cr.P.C. The injured Muhammad Arif has received injury on vital part of his body. So far, the version of cross case vide DD no. 10 of 11.04.2023 wherein the injured/complainant and Mast Ali, the eyewitness are charged for causing injury to Fazal Ameen on his palm by making firing at him, and that of the medico legal report with respect to kind of weapon, are concerned, these involve deep appreciation of evidence which cannot be discussed at bail stage.

4. Hence, in view of what is discussed above, it is held that sufficient material is available on file which reasonably connect the accused/petitioner with the commission of offence; therefore, he is not entitled to the concession of bail at this stage.

5. Copy of this order be placed on police/judicial file. Consign.

Pronounced
18.05.2023


SHAUKAT AHMAD KHAN
Sessions Judge, Orakzai
at Baber Mela

