

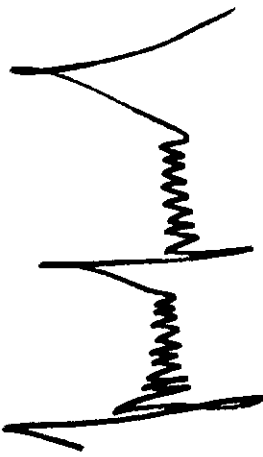
BA File No. 48/BA of 2020

Or 06
25-04-2020

Present:

Jabir Hussain Advocate for accused/petitioners
Complainant Muqtadar Ali, along with Javid Iqbal Advocate
APP Syed Aamir Shah for the State

Through the instant **post-arrest bail** petition accused/petitioners (1) **Shamsher Abbas** s/o Nikmat Ali and (2) **Shah Nawaz Ali** s/o Nobat Ali; both r/o And Khel Bala Lower Orakzai, are seeking their release on bail in case **FIR No. 12** Dated 10-03-2020, registered **u/s 324/34 PPC** in PS Lower Orakzai.



Facts of the case, according to FIR, are that; complainant Muqtadar Ali reported in emergency room of KDA Hospital Kohat that the accused/petitioners made firing at him which resulted in injury to him on his right heel. The motive was stated as some land dispute. Hence the instant petition.

Arguments of counsels for the parties and APP for State heard, and available record perused; the tentative assessment of which, for the purpose of deciding instant petition; shows that:


1. The circumstances mentioned in FIR would not attract the provisions of Section 324 PPC. Two accused allegedly fired at the complainant however, only a single injury was caused on non-vital part of body. Thus, the offence does not fall under the prohibitory clause of Section 497 CrPC.
2. Previous dispute between the parties is admitted, therefore, possibility of false implication cannot be ruled out.

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3. The investigation in the case complete and no other piece of evidence has been brought on record, except the statement of the complainant.

In view of the above circumstance, the accused/petitioners have made out a case of further inquiry into their guilt. Resultantly, the instant petition is **accepted** and it is directed that the accused/petitioners, **Shamsher Abbas** and **Shah Nawaz Ali**, may be released on bail in the instant case, subject to furnishing bail bonds in the sum of **Rs 100,000 (one lac)**, with two sureties each in the like amount to the satisfaction of this court. Record of the police be sent back along with a copy of this order, while this file be consigned to Record Room after its necessary completion and compilation.

Announced
25-04-2020


Jamal Shah Mahboob
ASJ-I Orakzai (at Baber Mela)