

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

Bail Application No : 38/4 of 2020  
Date of Institution : 16.05.2020  
Date of Decision : 19.05.2020

MUHAMMAD YAHYA VS THE STATE

ORDER

DPP, Umar Niaz for State and Sana Ullah Khan Advocate for accused/petitioner present. Nadia Gul Advocate for complainant also present. Arguments heard and record gone through.

2. Accused/petitioner, Muhammad Yahya seeks his release on bail in case FIR No. 38, dated 09.05.2020 registered U/S 324/34 PPC at Police Station Lower Orakzai Kalaya, wherein he alongwith co-accused Muhammad Amin are charged for instigating the principal accused Rahim Ullah for making firing with intention to kill by means of pistol and thereby causing injuries to injured Naimat Ullah.

3. From the arguments and record available on file, it reveals that there is two days delay in lodging the report and the reason of delay has been shown as ignorance of law but ignorance of law is no excuse. Moreover, only role of lalkara has been attributed to the present accused/petitioner and no


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role of active firing is attributed to him. There is no past criminal history of the accused/petitioner besides there is no recovery, confession or pointation on his part during the investigation. The local police had not recovered any blood from the spot. Also, the accused/petitioner has gone through the process of investigation but he has not confessed his guilt. 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. As such further inquiry would be attracted to the case of accused/petitioner and his case is thus arguable for the purpose of bail.

4. Hence, in the light of above, the bail petition in hand stand accepted and accused/petitioner is admitted to bail in sum of rupees 100,000 with two sureties each, each in the like amount to the satisfaction of this court.

5. File be consigned to Sessions Record Room for after further necessary compilation and completion.

**Announced**  
19.05.2020

  
**ASGHAR SHAH**  
Sessions Judge, Orakzai  
at Baber Mela  
19.5.20