

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

Bail Application No : 45/4 of 2020  
Date of Institution : 15.06.2020  
Date of Decision : 19.06.2020

*etc*  
HUJAT HUSSAIN VS THE STATE

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ORDER

DPP, Umar Niaz for State and Muzahir Hussain Advocate for accused/petitioner and Jabir Hussain Advocate for complainant present. Arguments heard and record gone through.


2. Accused/petitioners, Hujat Hussain and Syed Muntazir Hussain seek their release on bail in case FIR No. 41, dated 13.05.2020 registered U/S 324/34 PPC at Police Station Lower Orakzai Kalaya, wherein they are charged for making firing at the complainant by means of firearm and thereby causing injuries to him.
3. From the arguments and record available on file, it reveals that initially the complainant reported against unknown two accused having muffled faces but after twenty-eight days of the occurrence, he charged the present accused/petitioners on 10.06.2020 in his statement recorded u/s 164 Cr.P.C. But even in the said statement, neither source of information or satisfaction for nominating the accused for a particular motive is mentioned nor the delay of twenty-eight days have been explained besides it was also not explained

ASGHAR SHAH  
 District & Sessions Judge,  
 Orakzai at Hangu  
 19.6.20

as to how the accused were nominated by name for the occurrence as in the initial report the unknown accused were stated muffled faces. The complainant has not mentioned the features of the accused in the initial report besides source of information and satisfaction is also not available on the record coupled with having no motive with the accused for the occurrence is available. The absence of previous conviction/involvement, confession, recovery of weapon of offence, 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. Thus, case of accused/petitioners is arguable for the purpose of bail.

4. 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.
5. File be consigned to Sessions Record Room for after further necessary compilation and completion.

**Announced**  
19.06.2020

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