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**IN THE COURT OF ADDITIONAL SESSIONS JUDGE-II ORAKZAI, AT
BABAR MELA**

BA No..... 20 of 2019

Jahanzeb etc..... Vs..... STATE

ORDER
05.09.2019

Learned counsel for the accused/petitioners present. Syed Amir Shah APP for the State present. Learned counsel for the complainant along with complainant present.

Accused/petitioners Jahanzeb and Nowshad s/o Faqeer Khan and Javid s/o Khushal Khan r/o Sheraz Ghari Stori Khel Tehsil Lower District Orakzai are seeking post-arrest bail in case FIR No.27 dated 20/08/2019 u/s 436,452,148, 149-PPC of PS Lower Orakzai(Kalaya).

Brief facts of the case are that the local Police during Ghasht received information in came to the spot where the complainant Mir Mat Khan s/o Khaleel Khan reported that he was present in his bargain at Anjari Bazar and at about 8:00 AM he received information from his home that some persons has entered in their house and are putting fire to the rooms of the house through petrol, that on that information he rushed to the house where he saw that accused/petitioners along with his co-accused charged in the FIR are busy in putting fire to their rooms and demolishing the house hold articles, that the inmates of the house were confined in a room due to fear and on his hue and cry his co-villager attracted to the spot and the accused decamped from the spot after the occurrence, that due to the act of the accused the complainant suffered financial loss. The motive was disclosed as land dispute with the accused. The report of the

complainant was reduced in the shape of murasilla which was sent to the PS for registration of FIR through Constable Sadiq on the bases which instant FIR was registered against the accused.

Arguments for the learned counsel for the accused/petitioners already heard. Arguments of learned APP for the state assisted by learned counsel for the complainant heard today and record perused.

The perusal of record after its tentative assessment would transpire that the FIR has been lodged by the complainant after the delay of 1-1/2 hours, therefore deliberation and consultation on the part of complainant could not be rule out. The complainant came to known about the occurrence when he received information from his house however the complainant neither mentioned the person who informed him nor the source of information. The complainant has mentioned in the FIR that the occurrence was witness by the people present there however the names of those persons are not mentioned in the FIR who witness the occurrence. The statement of witnesses is recorded after five days of the occurrence without giving any reasonable explanation of such delay in recording their statement and the evidentiary value of such belated statement of alleged eye witnesses is yet to be seen at trail stage. Furthermore, no one from the inmates of the house came forward to record their statement in support of the occurrence who were shown by the complainant to be present in the room of the house at the time of occurrence. The aforementioned facts make the case of accused/petitioners one of further inquiry. The accused are behind the

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bar since their arrest and no more required for further investigation, therefore this court is inclined to release the accused/petitioners on bail.

In view of the above discussion the bail petition in hand is accepted and the accused/petitioners are ordered to be released on bail subject to furnishing surety bond in the sum of Rs. 200, 000/- with two sureties each in the like amount to the satisfaction of this court. The sureties must be local and men of means.

File of this Court be consigned to record room after its necessary completion and compilation.

Announced
05.09.2019



(SHAUKAT ALI)
Additional Sessions Judge-II,
Orakzai at Babar Mela

SHAUKAT ALI
Addl: District & Sessions Judge-II,
Orakzai at Hangu