

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

BA No. 30 of 2019
Noor Janan etc Vs State

ORDER

21.11.2019

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

Accused/petitioners Noor Janan son of Syed Janan, Habib-u-Rehman S/o Abdur Rehman, Shanif Khan son Gul janan and Saeed Ullah son of Syed Jannan r/o Tota Mela, Meshti Mamo Zai District Orakzai seeks their post arrest bail in case FIR No. 34 dated 30/09/2019 u/sec 302,311,201 and 34 PPC PS Lower Orakzai (Kalaya)

Brief facts of the case are that on 30/09/2019 Mujahid Khan SHO received information that Jumma Khan s/o Abdul Rehman, Fazal Janan s/o Habib u Rehamn r/o Totha Mela killed Mst: Hajra Bibi w/o Muhammad Shanif due to her illicit relationship with one Farooq s/o Zaman Shah and buried her, that on that information he along with Hakim Ali, Aftab Khan ASIs, Sadar Ali , Akhlaq Ali HCs and other police Nafri rushed to the spot where they inquired about the occurrence and came to known that Jumma Khan s/o Abdul Rehman and Fazal Janan s/o habib u Rehman r/o Totha Mela committed the murder on account of honour and buried the dead body. The complainant drafted the Murasila which was sent to the PS as a special report through Sadar Ali for registration of FIR against the accused. The case was investigated and during investigation the accused/petitioners along with other accused were also charged for the murder of Mst: Hajra Bibi, hence the instant post-arrest bail petition submitted by the accused/petitioners for their release on bail.

Arguments for the learned counsel for the accused/petitioners and learned APP for the state heard and record perused.

13

The tentative assessment of record would evince that the accused/petitioners are not directly charge in the FIR by the complainant nor their presence on the spot has been shown in the FIR. The accused/petitioners were nominated in the case during investigation when their names were mentioned by Muhammad Shanif, husband of the deceased (who is now accused) in his statement recorded u/s 164 Cr.P.C after four days of the occurrence. In the statement recorded u/s 164 Cr.P.C the accused/petitioners are only shown to have been present at time of occurrence in the house however no role has been attributed to the accused/petitioners in the commission of offence. The alleged fact that whether the accused/petitioners have any consent in the murder of deceased is a question to be determined after recording evidence which makes the case of accused/petitioners one of further inquiry. Furthermore, the accused have neither made any confession nor any recovery has been effected on their pointation. The case of accused/petitioners is arguable for the grant of bail and this court is inclined to release the accused 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
21.11.2019



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

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