

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

Bail Application No : 60/4 of 2020
Date of Institution : 12.08.2020
Date of Decision : 15.08.2020

MUHAMMAD JAMIL ETC. VS THE STATE

ORDER

DPP, Umar Niaz for State and Sana Ullah Khan Advocate for accused/petitioners present. Record received.

Accused/petitioners, Muhammad Jamil, and Hazrat karim seek their release on bail in case FIR No. 73, dated 04.07.2020 registered U/S 302/324/34 PPC at Police Station Lower Orakzai Kalaya, wherein they are charged for the murder of one, Muhammad Nabi by means of firearm and for ineffective firing at the complainant.

2. Today Yousaf Khan and Mst. Maidan Khela parents of deceased Muhammad Nabi present and submitted compromise affidavit Ex. PA, proforma of compromise consists of 04 pages Ex. PB and by recording joint statement deposed that the deceased was unmarried and besides them there is no other legal heir of the deceased. It was deposed that they have patched up the matter with the accused and have forgiven them in the name Almighty Allah by waving of our right of qisas and diyat and have got no


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Orakzai at Hangu

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objection either on the release of accused/petitioners on bail or upon their acquittal at the time of trial. Similarly, complainant, Umar Gul also produced compromise affidavit Ex. PC and by recording statement shown no objection either on the release of accused/petitioners on bail or upon their acquittal at the time of trial. The elders of the locality namely, Abad Gul and Umar Gul produced certificate Ex. PD in respect of genuineness of compromise and identification of the legal heirs of the deceased. Their joint statement was also recorded and placed on file.

3. Since, the offence is compoundable and from the compromise produced in black and white besides the statements of the legal heirs of the deceased, complainant and elders of the locality, this court is satisfied that a genuine compromise between the parties has taken place and accordingly the said compromise is accepted and on the basis of compromise, 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.
4. File be consigned to Sessions Record Room for after further necessary compilation and completion.

Announced
15.08.2020


ASGHAR SHAH
Sessions Judge, Orakzai
at Baber Mela
15/8/20