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Court of Additional Sessions Judge, Orakzai at Baber Mela

BA. 66/4 of 2023
Rahim Gul vs State

Serial No of order or proceedings	Date of Order Proceedings	Order or other Proceedings with Signature of Judge or Magistrate and that of parties or counsel where necessary
1	2	3
Order	05/08/2023	<p>Mr. Fazal Malik Kaka Khel Advocate represented accused/petitioners; Mr. Nisar Ahmed APP for the State assisted by Mr. Sajid Rehman Advocate for complainant, are in attendance.</p> <p>2. Arguments heard; whereas, this order is intended to dispose of the captioned Bail Application submitted by Accused/petitioners Rahim Gul son of Hashim Gul, Shomal son of Rehman Gul, Saeed Khan son of Rehman Gul and Nariam Gul son of Khana Gul, all resident of Naka Mela, District Orakzai.</p> <p>3. Muhammad Musawair son of Syed Ameen Khan reported the matter of sustaining injuries being beaten by the accused while attempting his kidnaping, to the local police which was incorporated into Daily Diary No. 12 dated 30.04.2023. On receiving medico legal report (MLC), local police has referred the matter to District Public Prosecutor for opinion. Consequently, FIR bearing No.24 dated 13.07.2023 was registered under sections 337 A(i)/363/511/34 of Pakistan Penal Code 1860, in Police Station Central Mishti Mela, Orakzai. Petitioners moved this Court with application for post arrest bail which is under consideration.</p> <p>4. Arguments of counsel for the accused/petitioners, counsel representing complainant and APP for State heard and record perused.</p> <p>5. This being stage of bail is neither supposed for considering deep appreciation of evidence nor can the observation of the Court affect the merits of the case in trial. The occurrence is, no doubt, of daylight and allegedly committed near Degree College Sheikhhan but no ocular evidence of the incident has been procured from independent source. The police while seeking the opinion</p>


SAYED FAZAL WADOOD
Addl. District & Sessions Judge
Orakzai at Hangu

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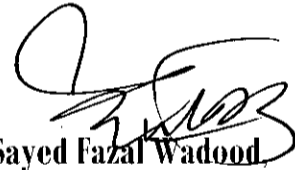
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of the prosecution mentioned the fact that report has been lodged by the complainant as counter blast to minimize the strength of the case earlier registered by the accused is complainant against the complainant party of this case. These facts sufficiently renders the case of petitioners as that of further inquiry. Moreso, there is no concept of withholding bail as matter of punishment; especially, where prohibition is not attracted.

6. In view of the above, the plea of bail is accepted. Consequently, the accused/petitioners are released on bail subject to furnishing surety bond in the sum of Rs. 80,000/- with two sureties, each in the like amount, to the satisfaction of this Court.

7. File of this Court be consigned to District Record Room, Orakzai after its necessary completion and compilation within the span allowed for. Record of the Police be sent back with copy of this Order.

8. Announced in the open Court.



Sayed Fazal Wadood
AD&SJ, Orakzai at Baber Mela