

(7)

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

BA No.19 of 2021  
Muhammad Shafiq Vs State

**ORDER**  
**16.02.2021**

Mr. Sana Ullah Khan Advocate, learned counsel for the accused/petitioner present. Mr. Javid Iqbal Anwar Sr.PP for the State present. Mr. Sajid Rehman Khattak Advocate along with complainant present and submitted W/N on behalf of complainant.

Accused/petitioner Muhammad Shafiq s/o Walmin Shah r/o Utman Khel, Tapa Baranka Khel District Orakzai seeks his post arrest bail in case FIR No. 104 dated 24/09/2020 u/sec 302/34 PPC PS Lower Orakzai (Kalaya) wherein the accused/Petitioner is charged for the murder of deceased Amin Ullah s/o Anar Badshah through fire arm weapon.

Arguments for the learned counsel for the accused/petitioner and learned Sr.PP for the state assisted by the learned counsel for the complainant heard and record perused.

The tentative assessment of record would evince that the instant case is a cross version of case FIR No. 103 u/s 302/34 PPC of the same PS, therefore it is yet to be determent that which party was Aggressor and which party as aggressed upon. Furthermore the accused Najum Uddin charged in cross case FIR No. 104 u/s 302/34/PPC was granted bail by the court of ASJ-I Orakzai vide order dated 18-11-2020, on the ground of cross case along with other grounds therefore keeping in view the cross version the case of the accused/petitioner is one of further inquiry. The complainant came to know about the occurrence when he was present at his home who is not the eye witness of the occurrence nor there is any other eye witness of the occurrence to

ADO: [Signature] Judge II,

8

support the version of the complainant. The accused remained in the custody of police but neither the accused confessed his guilt nor any recovery or pointation has been made by the accused/petitioner, hence the accused/petitioner is prima facie entitled to be release on bail.

In view of the above discussion the bail petition in hand is accepted and the accused/petitioner is ordered to be released on bail subject to furnishing surety bond in the sum of Rs. 100, 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**  
**16.02.2021**



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