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IN THE COURT OF SHAUKAT AHMAD KHAN
JUDGE, ORAKZAI AT BABER MELA

Bail Application No : 145/4 of 2021
Date of Institution : 10.07.2021
Date of Decision : 19.07.2021

MUHAMMAD YASIN VS THE STATE

ORDER

APP, Syed Aamir Shah for the State, Abid Ali Advocate for accused/petitioner present. Complainant, Hashmat Khan present in person. Arguments heard and record gone through.

2. The accused/petitioner, after being refused to be released on bail vide order dated 07.07.2021 of learned Judicial Magistrate, Orakzai, seeks his post arrest bail in case FIR no. 41, dated 29.03.2021, u/s 324/34/512 PPC of PS Kalaya Lower Orakzai wherein, as per contents of FIR, complainant Hashmat Khan on 29.03.2021 made a report to the police to the fact that on 27.03.2021 at 1400 hours, he alongwith Shabbir, after selling of their motorcycle at village Behramzai, were on their way to their village when reached on the spot of occurrence, the present accused/petitioner Muhammad Yasin and the co-accused Shabbir alias Shaboo made them stop. The co-accused Shabbir confirmed the identity of complainant

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from him and forced the complainant to go with them (accused). The complainant refused at which the co-accused Shabbir alias Shaboo made firing at them with his pistol as a result he received injury while his fellow escaped unhurt. Hence, the present FIR.

3. It is evident from the record that though the accused/petitioner is directly nominated in the FIR and the offence for which the accused/petitioner is charged falls within the prohibitory clause of 497 Cr.P.C but the matter has been reported to the police with a delay of about 02 days. Moreover, the present accused/petitioner has neither been shown armed nor any overt act towards participation in the commission of offence, is attributed to him. Both these facts throw the case against the accused/petitioner within the ambit of further inquiry of 497 Cr.P.C.

4. Hence, in view of what is discussed above, the accused/petitioner is admitted to the concession of bail provided he submits a bail bond in the sum of Rs. 100,000/- with two sureties, each in the like amount to the satisfaction of this court/Judicial Magistrate.

Pronounced
19.07.2021


SHAUKAT AHMAD KHAN
Sessions Judge, Orakzai
at Baber Mela