

(6)

Case Title: State Vs Muhammad Junaid and others(FIR. 108, PS: Kalaya)

Or.....06  
28.05.2021

APP for the state present. Complainant in person present. All accused on bail present. Counsel for the accused also present.

My this order is intended to dispose off an application u/s 249-A Cr.P.C. Counsel for the accused present and argued that as the statement of the main PW (the complainant) is recorded and as per the statement of the PW, there is no probability of the accused being convicted of the offence and the charge is groundless. Further, that the complainant has entered into a compromise with the accused party, thus, recording further evidence will be a futile exercise and would be result less. At the end requested for the acquittal of the instant accused.

On the other hand, Learned APP for the stated opposed the application and argued that there is sufficient evidence against the instant accused, therefore, the application should not be accepted at this stage.

I have heard both the sides and came to the conclusion that the sole star witness of prosecution is the complainant but he has entered into a compromise as per his statement as PW-01 with the accused party. He has further admitted that there is no eye-witness of the occurrence and the occurrence was something out of a misunderstanding.

Thus, in the light of the aforesaid findings, it is established that there is no probability of the accused being convicted of any offence. therefore, the application in hand is accepted and the accused Muhammad Junaid, Luqman and Aurangzeb are acquitted from the charges levelled against them. They are on bail. Their bail bonds stand cancelled and sureties are discharged from the liability of bail bonds.

File be consigned to the record room after its necessary completion and compilation.

Announced  
28.05.2021



(Rehmat Ullah Wazir)  
JM-I/MTMC,  
Orakzai (at Baber Mela)