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

BA No. 5/4 of 2022

Gul Nazeef 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-7	17/01/2022	<p>Mr. Muhammad Kamran Khattak advocate, learned counsel for the accused/petitioner; Mr. Khursheed Alam advocate for the complainant and Mr. Amir Shah APP are in attendance. This is the disposal of captioned post arrest Bail Application, submitted by accused/petitioner Gul Nazeef.</p> <p>2. Constable Najeeb ullah has transmitted Murasila drafted by Muhammad Shafiq SHO of Police Station lower, Kalaya containing the story that one Gul Nazeef Khan son of Rafi Ullah, Feroz Khel of village Mirazi Khel has committed Qatl-e-Amd of his sister in law (پہلے) namely Mst Paleen Bibi wife of his brother Farman Ullah on the score of alleged illicit relationship with the second deceased Shah Haroon son of Shafia Gul. The document further reflected that dead bodies of both the male and female deceased were lying in the Emergency Unit of Mishti Mela Hospital which were duly identified by the father of male deceased and uncle of the female deceased being available in the premises of Hospital. The inquest reports, the injury sheets and post mortem reports of the dead bodies have been annexed to the Murasila. Consequently, criminal law was brought into motion and thus FIR No. 85 dated 23-07-2020 was registered against accused Gul Nazeef Khan by attracting sections 302, 311 of the Pakistan Penal Code, 1860 in Police Station Lower Orakzai. The mother of female deceased has recorded her statement under section 164 Cr.PC by stating that she was available at the time of incident and was subjected to firing of accused but luckily escaped. She added that accused had beaten her with the butt of Kalashnikov resulted sustaining of injuries. Thus,</p>

SAYED ELAZAL WADOOD
Addl. District & Sessions Judge
Orakzai at Harigu

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Section 324 of the Pakistan Penal Code, 1860 was added in the relevant column of FIR. The complete challan has already been put in Court and trial is pending at the stage of evidence. Meanwhile, application for post arrest bail of the accused is presented which is under consideration.

3. Arguments of the learned counsel for the accused/petitioner and learned DyPP for the State assisted by learned counsel for the complainant heard and record perused.

4. This is tentative assessment of record for being stage of bail and deep appreciation of evidence is neither necessary nor warranted. The accused has directly been nominated in the contents of FIR. The report followed by registration of case is prompt that excludes the chances of deliberation. Both the deceased got hit as a result of firing and died on the spot which fact has been confirmed by medical evidence. Ocular account as well as circumstantial evidence clubbed with recovery of incriminating material from the spot further strengthen the prosecution case on its face. It is also worth mentioning that the offence with which accused is being charged for, falls within the ambit of prohibitory clause of Section 497 of the Code of Criminal Procedure, 1898 which is obviously termed crime heinous in nature.

5. For what has been discussed above, this Court holds the view that prima facie case is existing against the accused and he is not entitled to be released on bail; therefore, instant bail application stands rejected.

6. File of this Court be consigned to District Record Room, Orakzai after its necessary completion and compilation within the span allowed for. Similarly, the copy of this order be placed on record.

7. Announced in open Court.


Sayed Fazal Wadood,
AD&SJ, Orakzai at Baber Mela