

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

Bail Application No. : 165/4 of 2021  
Date of Institution : 10.09.2021  
Date of Decision : 16.09.2021

MUHAMMAD KARRAM ETC. VS THE STATE

ORDER

DPP, Umar Niaz for the state and Noor Karim Advocate for accused/petitioners present. Jabir Hussain Advocate present and submitted Wakalatnama on behalf of complainant, who is also present. At the very outset counsel for th accused/petitioners submitted copies of the student Identity cards of accused/petitioner of Muhammad Tahir and Muhammad Amir, character certificate of Muhammad Amir and attested copy of order of 17.06.2021 of Justice of Peace/Sessions Judge Hangu alongwith affidavit on behalf of the accused/petitioners. Placed on file. Similarly, counsel for the complainant submitted Wakalatnama, copy of affidavit on behalf of accused/petitioner Muhammad Karram of 03.06.2021 and copy of application of the accused/petitioner Muhammad Karram of

Shaukat Ahmad Khan  
Sessions Judge  
Orakzai District  
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27.05.2021 submitted to the DPO Orakzai. Placed on file. Arguments heard and record gone through.

2. Accused/petitioners, **Muhammad Karam** s/o Waris Khan, **Muhammad Amjid** s/o Waris Khan, **Amir Khan** s/o Khameed Khan and **Tahir Khan** s/o Talib Jan seek their release on bail in case FIR no. 24 dated 17.08.2021 u/s 4 Ghag Act PS Mishti Mela, wherein, as per contents of FIR registered on the basis of order dated 09.08.2021 of learned ASJ/Justice of Peace, Orakzai U/S 22-A CrPC, the accused/petitioners have restrained Mst. Maryam Bibi and Mst. Siraj Bibi, daughters of Qadar Khan, of marrying someone else.

3. It is evident from the record that the accused/petitioners Muhammad Amir and Muhammad Tahir are juvenile. As per their student Identity cards, accused/petitioner Muhammad Tahir is of 14 years of age while the age of accused/petitioner Muhammad Amir is 11 years; therefore, without touching the merits of the case, both the accused/petitioners being charged for the major offence punishable with imprisonment up to seven years are deemed to be accused of the commission of a bailable offence as per sub-clause 3 of section 4 (6) of the Juvenile Justice System

Shawkat Ali  
District & Sessions Judge  
Orakzai  
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Act, 2018 and are entitled to be released on bail. So far, the accused/petitioners Muhammad Karram and Muhammad Amjad are concerned, though both the accused/petitioners are charged for the offence which does not fall within the prohibitory clause of section 497 Cr.P.C, but both are directly nominated in the FIR and the offence is shocking to the public morality. Though the accused/petitioners through their counsel have submitted affidavit undertaking that they would not restrain the complainants of marrying someone else; however, as per copy of affidavit dated 03.06.2021 and joint statement of the accused/petitioner Muhammad Karram and his brother Musharaf Khan before the police on the overleaf of application of accused/petitioner Muhammad Karram submitted to the DPO Orakzai claiming the complainants to have engaged with accused/petitioner Muhammad Amjad and their brother Musharaf Khan, produced by the counsel for complainants, the accused/petitioners have over stepped such kinds of affidavits already submitted by the accused/petitioners. Moreover, the attested copy of the order dated 17.06.2021 of the learned Justice of

Chief Justice  
Federal Shariat Court  
Quetta

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Peace/Sessions Judge Hangu, submitted by the counsel for accused/petitioners, also shows that the accused/petitioners had also submitted such kind of affidavit before the said court/Justice of Peace.

4. Hence, in the light of what is discussed above, it is held that sufficient material is available on file against the accused/petitioners Muhammad Karram and Muhammad Amjad, therefore their application of post arrest bail is turned down. While the accused/petitioners Muhammad Tahir and Muhammad Amir are admitted to the concession of bail provided each of them submits two surety bonds of Rs. 100,000/- (1 lac), each in the like amount to the satisfaction of this court. The sureties must be local, reliable and men of means. Consign.

**Pronounced:**  
16.09.2021



**SHAUKAT AHMAD KHAN**  
Sessions Judge, Orakzai  
at Baber Mela