

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

Bail Application No : 169/4 of 2021
Date of Institution : 18.09.2021
Date of Decision : 24.09.2021

FAZAL RAFIQ VS THE STATE

ORDER

DPP, Umar Niaz for the State, Khursheed Alam Advocate for complainant and Farid Ullah Shah Advocate for accused/petitioner present. Arguments heard and record gone through.

2. The accused/petitioner, after being refused to be released on bail vide order dated 17.09.2021 of learned Judicial Magistrate, Orakzai, seeks his post arrest bail in case FIR no. 28, dated 06.09.2021, u/s 324/427/34 PPC of PS Mishti Mela wherein, as per contents of FIR, the injured/complainant, Naqeeb Ullah at Mishti Mela hospital made a report to the police to the fact that on the day of occurrence, he alongwith his father Fazal Janan after purchasing household articles in Mishti Mela bazar boarded a pick-up of Shams Ur Rehman, the other injured, and while on way back to their home when at about 1600 hours reached the place of occurrence, the present accused/petitioner Fazal Rafiq and co-accused

24/09/21
Shaukat Ahmad Khan
District & Sessions Judge
Orakzai at Baber Mela


CP

Fazal Karim sons of Fazal Khanan duly armed came, hurled stones and made firing at them; as a result of which he (complainant) got hit on his back and the driver received stone injuries while Fazal Janan, the father of complainant luckily escaped unhurt. Hence, the present FIR.

3. It is evident from the record that 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. Moreover, the matter has been promptly reported to the police. The complainant as per discharge report, has received spinal injury on vital part of his body. Furthermore, the complainant has no ill-will to falsely implicate the accused/petitioner in the instant case.

4. Hence, in view of what is discussed above, it is held that sufficient material is available on file which reasonably connect the accused/petitioner with the commission of offence; therefore, he is not entitled to the concession of bail at this stage. The instant post-arrest bail application of accused Fazal Rafiq is thus turned down. Copy of this order placed on judicial/police file. Consign.

Pronounced
24.09.2021


SHAUKAT AHMAD KHAN
Sessions Judge, Orakzai
at Baber Mela