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

BA No. 109/4 of 2021

Gul Rehman 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	24/09/2021	<p>Mr. Jabir Hussain advocate represented accused/petitioner; complainants in person and Mr. Amir Shah APP are in attendance. This is the disposal of captioned post arrest Bail Application, submitted by accused/petitioner Gul Rehman.</p> <p>2. Mr. Naimat Ali SHO of Police Station, Kurez Boya forwarded Murasila through head constable, Ain Ali stated therein that Gul Rehman son of Abdul Ais caste Qambar Khel Afridi (hereinafter called accused/petitioner) has committed murder of Khial Jameel son of Zareef Khan caste Afridi (hereinafter called deceased) at Koko Dara, District Orakzai. The motive behind the offence was alleged illicit relationship of deceased with Wasima Bibi, the wife of accused/petitioner. Consequently, FIR bearing No.18 dated 05-09-2021 was registered at Police Station, Kurez Boya against accused under sections 302 and 311 of the Pakistan Penal Code-1860. Accused was later on arrested and is behind the bar obliged him to file instant application for post arrest bail on various grounds including that of compromise.</p> <p>3. Arguments of the learned counsel for the accused/petitioner and learned APP for the State heard and record perused.</p> <p>4. The tentative assessment of record reveals that it is daylight occurrence which has promptly been reported. Single accused has been charged for commission of heinous offence. The contents of FIR are apparently supported by post mortem report and incriminating material recovered from the scene of crime. The compromise of the parties cannot be based as sole ground for grant of bail as</p>

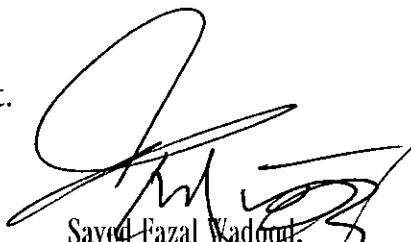

SAYED FAZAL WADOOD
Addl: District & Sessions Judge
Orakzai at Hangu

the offence has allegedly been committed in the name and pretext of honor. Similarly, the compromise is also defective on account of non-payment of Diyyat to the minor legal heirs. Above all, the available record is also silent about the female (wife of accused/petitioner) that matters in the prevailing cultural background of the area. 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 is not entitled to be released on bail, therefore instant bail application is rejected.

6. File of this Court be consigned to District Record Room after its necessary completion and compilation within the span allowed for.

7. Announced in open Court.



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