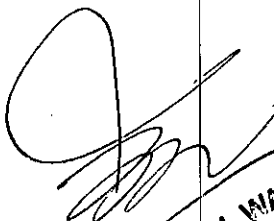


**IN THE COURT OF ADDITIONAL SESSIONS JUDGE/JUDGE SPECIAL COURT
ORAKZAI, AT BABAR MELA**

BA No. 112/4 of 2021
Ismail Vs State

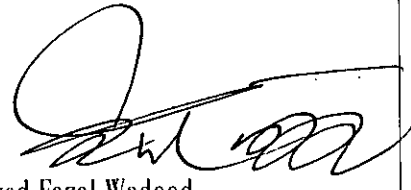
Serial No of order or proceedings	Date of Order Proceedings	Order or other Proceedings with Signature of Judge or Magistrate and that of parties or counsel where necessary
1	2	3
Order	30/09/2021	<p>Muhammad Sohail Qureshi Advocate represented accused/petitioner; Mr. Sana Ullah Khan Advocate represented complainant; whereas, Mr. Amir Shah APP for State is in attendance.</p> <p>2. This is the disposal of Post arrest bail application presented by accused/petitioner Ismail s/o Arab Shah r/o Caste Mishti Tappa Mamezai, District Orakzai.</p> <p>3. Mr. Aman Ullah SHO, Police Station Mishti Mela, Orakzai has forwarded Murasila from the Emergency Block of DHQ Hospital, Mishti Mela, stating therein, that an injured Mujahid Ullah son of Ameen Akbar (hereinafter called complainant) reported the incident of opening fire by Isamil son of Arab Shah (hereinafter called accused). Complainant was reportedly transporting stones in his tractor bearing No. 5518 for person named Ghafoor Khan. Accused along with 3-4 other persons opened fire on him and resultantly, complainant was injured and his tractor was damaged. It was added that the complainant has got no enmity whatsoever with the accused. Criminal Law was brought into motion and thus FIR bearing No. 26 dated 04-09-2021 was registered under sections 324-427/34 of the Pakistan Panel Code, 1860 in Police Station Mishti Mela. Accused has been remanded to Judicial Lockup which necessitated presentation of instant post arrest bail which is under consideration.</p> <p>4. Learned counsel for accused/petitioner and learned Assistant Public Prosecutor for State were heard at length and file gone through.</p> <p>5. This is tentative assessment of record available on file as deep appreciation of evidence is neither required nor warranted at this stage. The incident has promptly been</p>


SAYED FAZAL WADOOD
 J.S. & Sessions Judge
 Orakzai at Hangu

reported by the injured complainant and nominated the accused by specifically naming him as principal accused. Accused has been given role of indiscriminate firing over the property and person of complainant. Empty shell was recovered from the scene of occurrence. The injury sheet prepared by the Local Police is supported by the Medical documents. It was day light occurrence witnessed by ocular account of evidence. Record further reveals that the complainant has no enmity with the accused and was fired for transportation of stones to land disputed between the accused and third party namely Ghafoor Khan, which amounts to taking law into its own hand. All these facts lead the Court to hold that accused is prima facie connected with commission of offence that falls within the prohibitory clause of Section-497 of the Code of Criminal Procedure, 1898.

6. For what has been discussed above, this Court is not inclined to extend the concession of bail at this stage as the foreign body as per certificate presented during arguments by learned counsel for complainant has yet to be removed in surgery scheduled in the next month. File of this Court be consigned to District Record Room after its necessary completion and compilation within the span allowed for; whereas, copy of this Order be placed on record of Police to be returned accordingly.

7. Announced in open Court.


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