

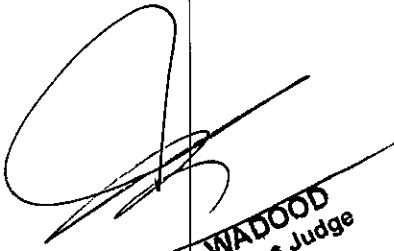
4

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

BA No. 110/21 of 2021

Muhammad Javid 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	01/10/2021	<p>Mr. Abid Ali advocate represented accused/petitioner; complainant remained absent despite service; whereas, Mr. Amir Shah APP for State is in attendance. This is the disposal of captioned post arrest Bail Application, submitted by accused/petitioner Muhammad Javid.</p> <p>2. Mr. Saleem Khan ASHO of Police Station, Upper Orakzai (Ghiljo) forwarded Murasila through constable, stating therein, that a dead body has been brought to Civil Hospital Mishti Mela, on that information he along with Police official came to the emergency room of Civil Hospital Mishti Mela where the dead body of Muhammad Shafiq son of Ahmed Gul was lying. That along with the dead body, Ahmad Gul the father of deceased was present who reported that his son Muhammad Shafiq had gone to the mosque to offer prayer and after prayer he was coming home and when reached to the place of occurrence, there the accused Noor Rehman, Javid and Amin Khan Sons of Masti Khan were present duly armed, that the accused on seeing his son started firing on him and as a result of their firing he got hit and died on the spot. The report of the complainant was reduced in the shape of Murasila. Consequently, FIR bearing No.7 dated 08-02-2020 was registered at Police Station, Upper Orakzai (Ghiljo) 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 which is under consideration.</p> <p>3. Arguments of the learned counsel for the accused/petitioner and learned APP for the State heard and record perused.</p>

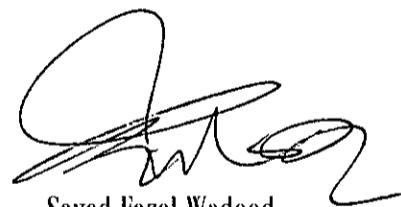

SAYED FAZAL WADOOD
Addl. District & Sessions Judge
Orakzai at Hangu

4. The tentative assessment of record reveals that it is daylight occurrence which has promptly been reported. Three accused including petitioner have 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. Direct evidence of the primary source is available on file. The petitioner was absconding for sufficient time as well. 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 dismissed.

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

7. Announced in open Court.



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