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

Bail Application No. : 171/4 of 2021
Date of Institution : 22.09.2021
Date of Decision : 07.10.2021

FEROZ KHAN ETC. VS THE STATE

ORDER

DPP, Umar Niaz for the State, Abid Ali Advocate for complainant and Hassan Muhammad Sherazi Advocate for accused/petitioners present. Complainant, Khwaldad Khan present. Arguments heard and record gone through.

2. The accused/petitioners, Feroz Khan s/o Ali Man Shah and Muhammad Rehman s/o Khial Man Shah seek their post arrest bail in case FIR no. 32, dated 14.09.2021, u/s 324 PPC of PS Mishti Mela wherein, as per contents of FIR, the complainant Khwaldad Khan at Civil hospital Ghiljo made a report to the police to the fact that he, on 14.09.2021 at 2130 hours, on receipt of information regarding his grandson namely, Nazim Khan being fired at by some unknown persons, reached the spot where he found his grandson lying in injured condition. He charged unknown accused for the commission of offence. Hence, the present FIR. On 16.09.2021, the statement of the

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injured Nazim Khan was recorded by the police u/s 161 Cr.P.C wherein he charged the present accused/petitioners for the commission of offence to the fact that he, being a watchman of under-construction road, was present on his duty where in the light of torch he saw the present accused/petitioners armed with Kalashnikovs coming towards him. He called the accused/petitioners at which they made firing at him as a result of which he received injuries.


3. It is evident from the record that though the accused/petitioners are not directly nominated by the complainant in the FIR; however, both the accused/petitioners are nominated by the injured after gaining his senses. Though the occurrence has taken place during night time but the accused/petitioners have been identified by the injured in the light of torch which has also been taken into possession by the police. Moreover, the injured has received injury on vital part of his body. Furthermore, the offence for which the accused/petitioners are charged falls within the prohibitory clause of 497 Cr.P.C.

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4. In the light of what is discussed above, it is held that sufficient material is available on file which reasonably connect the accused/petitioners

with the commission of offence; therefore, they are not entitled to the concession of bail at this stage. Hence, the post-arrest bail application of the accused/petitioners is turned down. Copy of this order be placed on police/judicial file. Consign.

Pronounced
07.10.2021


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Sessions Judge, Orakzai
at Baber Mela