

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

Bail Application No : 184/4 of 2021  
Date of Institution : 04.11.2021  
Date of Decision : 09.11.2021

FAZAL JANAN ETC. VS THE STATE

ORDER

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

- The accused/petitioners Fazal Janan, Qeemat Khan, Abdul Rehman and Naqeeb Ullah, after being refused to be released on bail vide order dated 02.11.2021 of learned Judicial Magistrate-I, Kalaya, seek their post arrest bail in case FIR no. 34, dated 10.09.2021, u/s 324/365/511/34 PPC of PS Mishti Mela wherein, as per contents of FIR registered u/s 22-A Cr.P.C vide order dated 18.09.2021 of this Court that on 06.09.2021 at Asar time Hazrat Ullah, the son of complainant while on his way to madrassah was attempted to be kidnapped by the present accused/petitioners who were duly armed, forcefully put him in a vehicle but on hue and cry of the complainant, her son and other fellow students of madrassah, she succeeded

Shaukat Ahmad Khan  
District & Sessions Judge,  
Orakzai at Baber Mela

09/11/21

to rescue her son. The accused/petitioners made firing towards the complainant and her son and caused damage to the walls and windows of the house due to firing; however, she luckily escaped unhurt. Hence, the present FIR.

3. It is evident from the record that though the accused/petitioners are directly nominated in the FIR and the offence for which the accused/petitioners are charged falls within the prohibitory clause of 497 Cr.P.C; however, section 365/511 PPC is punishable with half of the imprisonment (half of 07 years) provided for section 365 PPC which does not fall within the prohibitory clause of section 497 Cr.P.C. So far section 324 is concerned, as per contents of FIR, all of the accused/petitioners are charged for general role of ineffective firing with improvement in the site plan by giving role of firing to the accused/petitioners Abdul Rehman and Qeemat Khan and that too at a distance of 215/220 paces, throwing the case within the ambit of further inquiry as to the intention of the accused/petitioners with respect to attempt at the lives of complainant and her son. Moreover, no incriminating material has either been recovered from the spot or from possession of the any of the


Shaukat Ahmad Khan  
District & Sessions Judge,  
Orakzai at Baber Mela

09/11/21

accused/petitioners. Furthermore, the investigation in the instant case is complete and the accused/petitioners are no more required to the police for further investigation

4. Hence, in view of what is discussed above, the accused/petitioners are admitted to the concession of bail provided each of the accused submits bail bonds in the sum of Rs. 100,000/- with two sureties, each in the like amount to the satisfaction of this court. Sureties must be local, reliable and men of means. Consign.

**Pronounced**  
09.11.2021

  
**SHAUKAT AHMAD KHAN**  
Sessions Judge, Orakzai  
at Baber Mela