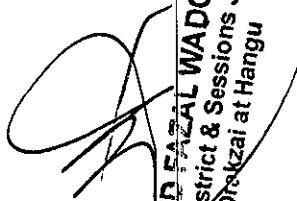


Court of Additional Sessions Judge, Orakzai at Baber Mela

BA. 34/4 of 2022
Muhammad Saeed 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	07/04/2022	<p>Mr. Insaf Ali Advocate represented accused/petitioner; Mr. Akhtar Wazir Sr.PP for the State assisted by Mr. Abid Ali Advocate for complainant, are in attendance.</p> <p>2. Arguments heard; whereas, this order is intended to dispose of the captioned Bail Application submitted by Accused/petitioner Muhammad Saeed son of Saifoor Khan resident of Mandra Khel, District Orakzai.</p> <p>3. Irfan Ullah son of Lais Khan reported the matter of sustaining injuries being beaten by the accused, to the local police which was incorporated into Daily Diary No. 08 dated 18-03-2022. It has been mentioned therein that the complainant and accused have previous enmity. Complainant was beaten by the accused with the help of pistol as a result of which he sustained injuries and the matter was referred to Tehsil Headquarter Hospital Kalaya. On receiving medico legal report (MLC), local police has referred the matter to District Public Prosecutor for opinion. Consequently, FIR bearing No.26 dated 22-03-2022 was registered under sections 337 A(i) and 506 Pakistan Penal Code 1860, in Police Station Kalaya, Orakzai. Petitioner moved this Court with application for post arrest bail which is under consideration.</p> <p>4. Arguments of counsel for the accused/petitioner, counsel representing complainant and learned Sr.PP for State heard and record perused.</p> <p>5. This being stage of bail is neither supposed for considering deep appreciation of evidence nor can the observation of the Court affect the merits of the case in trial. The occurrence is, no doubt, of daylight and allegedly committed in the open fields but no ocular evidence of the incident has been procured. Similarly, the alleged weapon</p>


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

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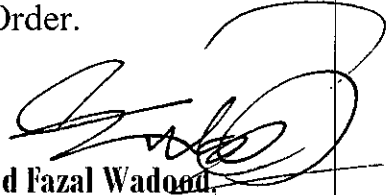
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of offense has not been recovered despite physical custody. These facts sufficiently renders the case of petitioner as that of further inquiry. Moreso, there is no concept of withholding bail as matter of punishment; especially, where prohibition is not attracted.

6. In view of the above, the plea of bail is accepted. Consequently, the accused/petitioner is released on bail subject to furnishing surety bond in the sum of Rs. 120,000/- with two sureties, each in the like amount, to the satisfaction of Magistrate/MOD.

7. File of this Court be consigned to District Record Room, Orakzai after its necessary completion and compilation within the span allowed for. Record of the Police be sent back with copy of this Order.

8. Announced in the open Court.


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