

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

Bail Application No : 40/4 of 2022
Date of Institution : 24.05.2022
Date of Decision : 25.05.2022

NIQAD ALI ETC. VS THE STATE

ORDER

DPP Umar Niaz for the State, Jabir Hussain Advocates for accused/petitioners and Sana Ullah Khan Advocate for Mst. Ain Ullah Jaan present. Mr. Tajid Ali, the complainant in case FIR no. 36 dated 06.04.2022 u/s 302/34 of PS Kalaya also present before the court. He stated at the bar that he has got no objection upon the release of the present accused/petitioners. Arguments heard and record gone through.

2. The accused/petitioners, Niqad Ali s/o Jang Ali and Aftab Ali s/o Muhammad Shah seek their post-arrest bail in case FIR no. 36, dated 06.04.2022, u/s 302/34 PPC of PS Kalaya, wherein as per contents of FIR, the local police on the basis of information regarding the occurrence, reached THQ hospital Kalaya where the complainant Tajid Ali made a report to the police to the fact that on the day of occurrence, in view of the death of her aunt, he telephonically contacted his brother Qasid

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Ali and told him to come to his house. On way to his house the accused Waiz Ali and Tanwar Ali duly armed made firing at him, as a result of which he was hit and died on the spot. Motive was stated to be a previous blood-feud enmity between the parties. On 11.05.2022 Mst. Ain Ullah Jaan, alleging herself as stepmother of deceased, recorded her statement u/s 164 CrPC and charged the present accused/petitioners for the murder of deceased. Hence, the present case.


3. It is evident from the record that though the offence for which the present accused/petitioners are charged falls within the prohibitory clause of 497 Cr.P.C but they are not directly nominated in the FIR rather they have been charged by Mst. Ain Ullah Jaan, the alleged stepmother of deceased, in his 164 CrPC statement after about more than a month. Except above, there is nothing available on file to connect the present accused/petitioners with the commission of offence. Moreover, as discussed above, the complainant Tajid Ali, also raised no objection upon the release of present accused/petitioners on bail. The aforementioned facts throw the case against the accused/petitioner within the ambit of further inquiry.

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4. Hence, in view of what is discussed above, the accused/petitioners are admitted to the concession of bail provided each of the accused/petitioner submit bail bonds in sum of Rs. 200,000/- with two sureties, each in the like amount to the satisfaction of this court. Sureties must be local, reliable and men of means. Copy of this order placed on judicial/police file. Consign.



Pronounced
25.05.2022


SHAUKAT AHMAD KHAN
Sessions Judge, Orakzai
at Baber Mela