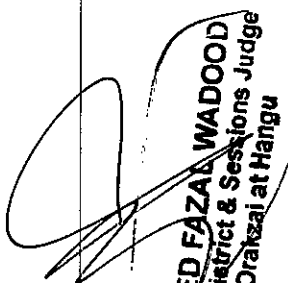


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**IN THE COURT OF ADDITIONAL SESSIONS JUDGE/JUDGE SPECIAL COURT
ORAKZAI, AT BABAR MELA**

BA No. 70/4 of 2022
Hakeem Gul etc. 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	07.07.2022	<p>Noor Karim Orakzai Advocate presented written arguments on behalf of Hakeem Gul group of accused (petitioners herein) and also delivered written arguments of his opponent counsel namely Hassan Khan Advocate representing Abdul Basit group of accused (complainant herein). APP for State is also in attendance.</p> <p>2. This is the disposal of Post Arrest Bail Application presented by accused/petitioners Hakeem Gul son of Khiyal Gul, Muhammad Tariq son of Haleem Gul, Majeed Gul son of Khiyal Gul, Abdu Samad son of Hakeem Gul, Muhammad Ullah son of Hakeem Gul and Sajid Ullah son of Hakeem Gul all resident of Qaum Mala Khel, Pukhtanay, District Orakzai.</p> <p>3. Complainant (Hakeem Gul group) reported that he along with his father, were busy in his own land for the purpose of ploughing in his property with a tractor. The present petitioners duly armed with sticks and axes while one of them namely Syed Salam took his Pistol and started firing upon the complainant and his father due to which complainant sustained injury and his father luckily escaped. Motive behind the act is civil dispute between the parties. This was the story of complainant that was forwarded by ASHO through Murasila converted into FIR bearing No. 12 dated 28-04-2022, registered under section 324/148/149 of the Pakistan Penal Code, 1860, in Police Station Daboori. Cross version of the incident was also recorded where Abdul Basit group of accused charged the complainant group for sustaining injuries due to use of stick and pelting of stones vide Madd No. 6 dated 28-04-2022. The accused presented instant post arrest bail petition, which is under consideration.</p>


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

(4)


70/4 of 2022

4. Arguments of counsel for the accused/petitioners and counsel for complainant have been perused and record on file has been examined.

5. On tentative assessment of record, it reveals that though of the petitioner have specifically been named in the contents of Madd No. 6 dated 28-04-2022; yet, the role attributed to present petitioners is that of having sticks and stone used in the occurrence. They themselves sustained injuries in the incident as well. The alleged sticks are not being recovered by the police. No incriminating material has been recovered from the spot. The matter is of cross version and it is premature to determine that who was aggressor. This fact alone is sufficient to drag the matter into ambit of further inquiry.

6. For what has been discussed above, instant bail petition stands allowed subject to furnishing bail bonds to the tune of Rupees One Lac (100,000/-); with two sureties; each in the like amount; to the satisfaction of this Court. File of this Court be consigned to District Record Room, Orakzai after its necessary completion and compilation within the span allowed for; whereas, copy of this Order be placed on record of Police to be returned accordingly.

7. Announced in open Court.


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