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

BA No. 71/4 of 2022
Abdul Basit etc. Vs State

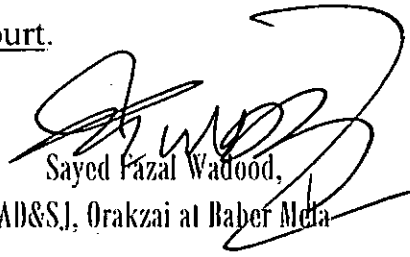
Serial No of order or proceedings	Date of Order Proceedings	Order or other Proceedings with Signature of Judge or Magistrate and that of parties or counsel where necessary
1	2	3
Order	07.07.2022	<p>Noor Karim Orakzai Advocate presented written arguments on behalf of Hakeem Gul group of accused (complainant herein) and also delivered written arguments of his opponent counsel namely Hassan Khan Advocate representing Abdul Basit group of accused (petitioners herein). APP for State is also in attendance.</p> <p>2. This is the disposal of Post Arrest Bail Application presented by accused/petitioners Abdul Basit, Muhammad Yaseen and Shahid Ullah sons of Syed Salam, 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. The accused presented instant post arrest bail petition, which is under consideration.</p> <p>4. Arguments of counsel for the accused/petitioners and learned APP for State as well as that of complainant have been perused and record on file examined.</p> <p>5. On tentative assessment of record, it reveals that though of the petitioner have specifically been named in the contents of FIR; yet, the role attributed to present petitioners is that of having sticks and axe used in the</p>


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

occurrence. They themselves sustained injuries in the incident. The alleged sticks and axe are not been recovered by the police. No incriminating material has been recovered from the spot. Above all, neither mala fide nor intention to disgrace, humiliation, harassment and dishonor on part of the complainant or prosecution is being surfaced. 5. On tentative assessment of record, it reveals that motive of previous enmity is existing. All of the petitioner have specifically been named in the contents of FIR. Incriminating material has been recovered from the spot. Though incident has promptly been reported by the injured complainant and nominated the accused by specifically naming them as accused; but, the present accused have been charged for attack on the complainant with sticks; wherefrom, no injury whatsoever has been caused from such attack. The question of sharing common object of the petitioner with the principle accused charge for firing is factual in nature that cannot be determined at this stage. 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 Wattoo,
AD&SJ, Orakzai at Baber Meta