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**IN THE COURT OF ABDUL BASIT
ADDITIONAL SESSIONS JUDGE-II, ORAKZAI**

Petition No. 94/BA of 2023

"Hadeed Ullah... Versus ... The State"

Order---10
20.12.2023

Accused/petitioner through counsel present.

Sr.PP Javid Akhtar Wazir for the State is present.

Through this order I shall dispose of post arrest bail application filed by Hadeed Ullah son of Umar Khan, caste Feroz Khel, resident of District Orakzai, Accused/petitioner, for his released on bail in case FIR no. 97 dated 11-10-2023, registered at Kalaya Police Station, Orakzai under Section 302 PPC and 15 AA.

Syed Muhammad, complainant, reported that he was on his way to home after performing the duties when at about 1750 hours, his brother Muhammad Shamim informed him that their cousin Inaaz Khan has been injured by unknown person at his home through firearm and come to home, whereat, I rushed to the house and shifted the injured to the hospital for treatment. That the injured was referred to Peshawar for treatment, however, he succumbed to the injuries on way to Peshawar, therefore, accused was charged for the murder of his brother Inaaz Khan.

On 08.12.2023, legal heirs of the deceased stated at the bar that they have patched up the matter with accused/petitioner with their own will and free consent and pardoned him in the name of Allah almighty through compromise. They stated before the Court that they have got no objection if the accused/petitioner is released on bail or even he is acquitted in the trial. Similarly, today compromise statement of Noor Khitab (brother of deceased) also recorded through video link being serving in Karachi, wherein, he has also endorsed the execution of compromise with accused/petitioner, his forgiving him in the name of Allah almighty and no objection on release of accused/petitioner on bail or his acquittal at trial stage. The


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compromise proforma, copies of CNICs of legal heirs of deceased except Noor Khitab are placed on file, which are Ex.PA, Ex.PB and Ex.PC to Ex.PH. The online statement of Noor Khitab is certified by his brother Zar Khitab.

In view of above, it is held that the offence for which accused/petitioner is charged is compoundable and the parties being family members inter se have affected a genuine compromise which apparently seems in the best interest of the parties. The legal heirs of deceased are fully satisfied with the compromise and are no more interested in pursuing the bail petition of the accused/petitioner; therefore, the compromise is accepted and accused/petitioner is allowed post arrest bail on the basis of compromise subject of his furnishing surety 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 and men of means.

File of this Court be consigned to District Record Room after its necessary completion and compilation with in the span allowed for; whereas, record be returned with the photocopy of this Order.

Announced
20.12.2023


(Abdul Basit)
Addl. Sessions Judge-II, Orakzai