

Order - 04

17.06.2022

APP for the state present. Learned counsel for accused/petitioners present. Complainant present. He stated that he does not want to engage counsel and that he would rely on the arguments of APP for the state. Record already received. Arguments of APP for the state and counsel for accused/petitioners heard and record perused.

Accused/petitioners namely Rehmat Kareem S/O Sharbat Khan, Mustafa S/O Rehmat Kareem, Taj Muhammad S/O Gulshan Khan, all residents of Qoum Stori Khel, Tappa Mala Khel, District Orakzai are seeking their post arrest bail in case FIR No.57 dated:08.06.2022 U/S 324/34 PPC, PS Kalaya, Orakzai.

Perusal of record reveals that accused/petitioners are directly charged in the FIR. The offence with which accused/petitioners are charged falls within the ambit of prohibitory clause of Section 497 Cr.P.C. Blood stained earth is recovered from the spot. Medical report of the injured child and ocular account support the version of the prosecution. There is a strong motive of land dispute behind the occurrence. As per decisions of the Apex Superior Courts, deeper appreciation of evidence is not permissible at bail stage and only tentative assessment thereof is to be made just to find out connection of accused/petitioners with the commission of the offence.



17/06/2022

ZAHIR KHAN
Civil Judge/JM
Kalaya Orakzai

Sufficient material is available on file connecting the accused/petitioners with the commission of the offence. In the given circumstances the accused/petitioners are not entitled to the concession of bail.

Consequently, the application is turned down. Copy of this order be placed on judicial as well as police file. Requisitioned record be sent back to the quarter concerned forthwith.

File be consigned to record room after its necessary completion and compilation.

ANNOUNCED:
17.06.2022



Zahir Khan
Judicial Magistrate,
Tehsil Kalaya, Orakzai