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

Bail Application No : 18/4 of 2022
Date of Institution : 02.03.2022
Date of Decision : 07.03.2022

NASEEM KHAN ETC. VS THE STATE

ORDER

APP, Nisar Ahmad for the State and Wahid Miraj & Insaf Ali Advocates for accused/petitioners present. Aurangzeb Khan Advocate present and submitted Wakalatnama on behalf of complainant. Placed on file. Arguments heard and record gone through.

2. The accused/petitioners, Naseem Khan s/o Mibli and Muhammad Tahir s/o Sher Khan, after being refused to be released on bail vide order dated 01.03.2022 of learned Judicial Magistrate-I, Orakzai, seek their post arrest bail in case FIR no. 04, dated 26.01.2022, u/s 324/34 PPC of PS Mishti Mela wherein, as per contents of FIR, on 25.01.2022 the local police on receipt of information regarding the occurrence reached on the spot where the injured/complainant, Minat Gul at 2200 hours made a report to the police to the fact that on that day at 1630 hours while leaving the Hujra of Aqal Rehman, where he had gone in

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connection of request for some debt, when he came out of the main gate of Hujra, the present accused/petitioners made firing at him; as a result of which he (complainant) got hit on his left thigh while Aqal Rehman luckily escaped unhurt. Hence, the present FIR.

3. It is evident from the record that though the accused/petitioners are directly nominated in the FIR and the offence for which the accused/petitioners are charged falls within the prohibitory clause of 497 Cr.P.C; however, the matter has been reported to the police with a delay of more than 03 hours. Secondly, both the accused/petitioners are charged for general role of firing without specification of their roles that as to whose fire shot the injured/complainant has received injury. Moreover, the injured/complainant has received injury on non-vital part of his body. Both the aforementioned facts throw the case against the accused/petitioners within the ambit of further inquiry. Furthermore, the accused/petitioners have remained in police custody for 13 days but no confession or admission has been made by them. Similarly, no incriminating material has either been recovered from their possessions or on their pointation.

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4. Hence, in view of what is discussed above, bail petition in hand stands accepted and the accused/petitioners are admitted to the concession of bail provided each of the accused/petitioners submit a bail bond in the sum of Rs. 100,000/- with two sureties, each in the like amount to the satisfaction of this court. The sureties must be local, reliable and men of means.

5. Police record be returned and file of this court be consigned to record room.

Pronounced
07.03.2022



SHAUKAT AHMAD KHAN
Sessions Judge, Orakzai
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