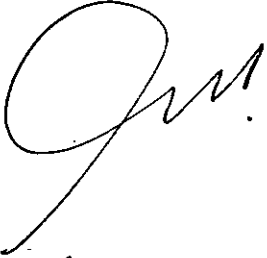


**Order – 04**  
29.10.2022

APP for the state present. Learned counsel for accused/petitioner present. Complainant along with counsel present. Record already received. Arguments heard and record perused.

Accused/petitioner namely Siyal Khan S/O Yar Baz, R/O of Qoum Stori Khel, Tappa Mala Khel, District Orakzai is seeking his post arrest bail in case FIR No.101 dated:12.10.2022 U/S 324 PPC, PS Kalaya, Orakzai.

Perusal of record reveals that accused/petitioner is directly and by name charged in a promptly lodged FIR. The offence with which accused/petitioner is charged falls within the ambit of prohibitory clause of Section 497 Cr.P.C. It is a day light occurrence. Medical report of injured Jihad is placed on file as per which he has received firearm injury. There are eye witnesses to the occurrence. Three empties of 7.62 bore have been recovered from the spot. The tractor having bullets hitting marks is taken into possession by the IO which further support the version of complainant. 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/petitioner with the commission of the offence. Sufficient material is available on file connecting the accused/petitioner with the commission of the offence. In the given circumstances the accused/petitioner is not entitled to the concession of bail.

  
29/10/22  
ZAHIR KHAN  
Civil Judge/JM  
Kalaya Orakzai

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:**  
29.10.2022



**ZAHIR KHAN**  
Judicial Magistrate-I, Tehsil  
Kalaya, Orakzai