

Order.No.03
11.11.2022

APP for the state present. Counsel for accused/petitioner present. Arguments heard and record perused.

Accused/petitioner namely Atmar Khan S/O Fazal Baz, R/O Qaum Zakha Khel, Village Sheraz Garhi, Tehsil Lower, District Orakzai is seeking his post arrest bail in Case FIR No.112 dated: 03.11.2022 U/S 324, 148, 149 PPC, Police Station Kalaya, District Orakzai.

Although, accused/petitioner is directly and by name charged in the FIR by SHO/complainant of PS Kalaya and the punishment for the offence U/S 324 PPC falls within the ambit of prohibitory clause of Section 497 Cr. PC, however, record shows that accused/petitioner along with co-accused is nominated in the FIR by SHO/complainant without disclosing any source of information regarding involvement of the accused in the commission of the offence. There was cross firing between the parties but none of the party (nominated accused) have charged anyone for the commission of the offence. Accused has not been arrested at the spot. Nothing incriminating has been recovered from possession of the accused. Medico legal report of injured Dilawar Khan is placed on file but statement of the said injured is not placed on file. It is not clear from the medical report that the injury was caused by firearm. As per injury sheet of injured Dilawar Khan, the injury has been caused through a sharp object. No one is specifically charged for causing the said injury. Investigation has already been completed and



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ZAHIR KHAN
Civil Judge/JM
Kalaya Orakzai

accused is no more required to the local police for further investigation and no useful purpose would be served by keeping the accused/petitioner behind the bar.

Consequently, application in hand is allowed. Petitioner be released on bail subject to furnishing bail bonds in the sum of Rs. 50,000/- (Fifty thousand) with two sureties each in the like amount to the satisfaction of this court. Copy of this order be placed on police as well as judicial record. Record be returned back to the quarter concerned.

File of this court be consigned to record room after necessary completion and compilation.

ANNOUNCED:
11.11.2022



Zahir Khan
JMIC-I, Tehsil Kalaya,
Orakzai