

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

BA No. : 62/4 of 2022
Date of Institution : 25.07.2022
Date of Decision : 26.07.2022

SHAH FAISAL VS THE STATE

ORDER

DPP, Umar Niaz for the State and Abid Ali

Advocate for complainant present. Arguments of learned counsel for complainant heard while arguments of counsel for the accused/petitioner already heard.

2. Accused/petitioner, Shah Faisal s/o Alam Khan and Khizar Hayat s/o Hashmat Ullah, both residents of Sultanzai, District Orakzai seek their release on bail in case FIR No. 46, dated 30.03.2022, U/S 3/4 Explosive Substances Act registered at Police Station Kalaya, wherein, as per contents of FIR, the complainant Niqad Ali on 30.03.2022 made report to the police to the fact that on the preceding night while sleeping in his house, he awoke on the report of explosion. When he came out, he found that some unknown person/persons have hurled hand grenades to his courtyard and caused damage to the window pans and solar system. He charged unknown accused for the commission of offence. Hence, the instant FIR.

Read as 11⁰⁵/₂₀₂₂
vide order No. 1
Dated 11⁰⁵/₂₂ in MP-12/6


Shaukat Ahmad Khan
District & Sessions Judge
Orakzai at Baber Mela

26/07/22

3. It is evident from the record that though the accused/petitioners are not directly nominated in the FIR, the recovery of a part of hand grenade has been shown made from the spot of occurrence and the offence for which the accused/petitioners are charged falls within the prohibitory clause of section 497 Cr.P.C; however, the occurrence has taken place during night with no eyewitness of the same. Moreover, the accused/petitioners are not charged in the FIR rather they have been nominated after about 01 ½ months of the occurrence on the basis of information and satisfaction and that too for abetment of the offence but no source of information or satisfaction has been disclosed. The aforementioned facts are alone sufficient to throw the case against the accused/petitioner within the ambit of further inquiry of section 497 Cr.P.C.

4. Hence, in view of what is discussed above, the accused/petitioners are admitted to the concession of bail provided each of the accused/petitioners submits a bail bond in the sum of Rs. 200,000/- with two sureties, each in the like amount to the satisfaction of this court. Consign.

Pronounced:
26.07.2022


SHAUKAT AHMAN KHAN
Sessions Judge, Orakzai
at Baber Mela

