

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

Bail Application No : 72/4 of 2022
Date of Institution : 01.08.2022
Date of Decision : 04.08.2022

FAZAL KARIM VS THE STATE

ORDER

APP, Muhammad Zubair for the State and Noor

Karim Advocate for accused/petitioner present.

Complainant Naqeeb Ullah present in person.

Arguments heard and record gone through.

2. The accused/petitioner, after being refused to be released on bail vide order dated 29.07.2022 of learned Judicial Magistrate-I, Kalaya, seeks his post arrest bail in case FIR no. 28, dated 06.09.2021, u/s 324/337-F(v)/427/34 PPC of PS Mishti Mela wherein, as per contents of FIR, the injured/complainant, Naqeeb Ullah on 06.09.2021 at Mishti Mela hospital made a report to police to the fact that that day he along with his father Fazal Janan after purchasing household articles in Mishti Mela bazar boarded a pick-up of Shams Ur Rehman, the other injured, and while on way back to their home when at about 1600 hours reached the place of occurrence, the present accused/petitioner Fazal Karim and the acquitted co-accused Fazal Rafiq sons of Fazal Khanan duly armed came, hurled stones and made firing at them; as a result of which he (complainant) got hit on his back and the driver received stone injuries while Fazal

Shaukat Ahmad Khan
District & Sessions Judge
Orakzai at Baber Mela
04/08/22


Janan, the father of complainant luckily escaped unhurt. Hence, the present FIR.

3. It is evident from the record that the accused/petitioner is directly nominated in the FIR and the offence for which the accused/petitioner is charged falls within the prohibitory clause of 497 Cr.P.C. The matter has been promptly reported to the police. The complainant as per discharge report, has received spinal injury on vital part of his body. Moreover, the accused/petitioner has remained fugitive from law for about a year. So far acquittal of co-accused is concerned, admittedly since there is no bar upon reappraisal of evidence and the acquitted co-accused had also not been allowed bail; therefore, acquittal of co-accused cannot be pleaded as sole ground for entitlement of accused/petitioner to the concession of bail.

4. Hence, in view of what is discussed above, it is held that sufficient material is available on file which reasonably connect the accused/petitioner with the commission of offence; therefore, he is not entitled to the concession of bail at this stage. The instant post-arrest bail application of accused/petitioner is thus turned down. Copy of this order placed on judicial/police file. Consign.



Pronounced
04.08.2022


SHAUKAT AHMAD KHAN
Sessions Judge, Orakzai
at Baber Mela