

7

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

Bail Application No : 87/4 of 2022

Date of Institution : 13.10.2022

Date of Decision : 20.10.2022

ABDUL SALAM VS THE STATE

ORDER

DPP, Umar Niaz for the State, Malak

Shehzada Advocate for accused/petitioner and

Noor Karim Advocate for complainant present.

Complainant Muhammad 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 12.10.2022

of learned Judicial Magistrate-I, Orakzai, seeks his

post arrest bail in case FIR no. 12, dated

28.04.2022, u/s 324/148/149 PPC of Police Station

Dabori wherein, as per contents of FIR, the

injured/complainant, Muhammad Ullah s/o Hakim

Gul with the injured Hakim Gul, Safi Ullah, Abdul

Samad and Samad Ullah at Civil Hospital Dabori

made a report to police that on 28.04.2022 at 1015

hours he along with his father were ploughing their

land with a tractor when in the meanwhile Abdul

Basit, Yousaf Mehmood, Muhammad Yasin,

Shahid Ullah and Mst. Umar Gula armed with

sticks and axes while Abdul Salam (the present

Shaukat Ahmad Khan  
District & Sessions Judge,  
Orakzai at Baber Mela  
20/10/22

8

accused/petitioner) and Said Salam armed with pistols came on the spot and wanted the complainant and his father to stop ploughing the land. During hot talks Abdul Salam and Said Salam made firing with their pistols at father of the complainant but he escaped unhurt. Upon the report of fire shots and hue and cry of the quarrel, the other inmates of the house of complainant came on the spot and a quarrel started over there during which Abdul Salam and Said Salam made firing with their pistols as a result of which Safi Ullah received injuries on his chest while the other injured received injuries as a result of sticks and axes.

On the same day, Abdul Salam (the present accused/petitioner) made a report to the police wherein he has charged the complainant and others for causing injuries to Muhammad Yasin, Abdul Basit and Mst. Umar Gula, which was also made part of the instant FIR as cross version.

3. It is evident from the record that the accused/petitioner is directly nominated in the FIR, the offence for which the accused/petitioner is charged falls within the prohibitory clause of 497 Cr.P.C and the accused/petitioner remained fugitive from law for about more than 06 months.


Shaukat Ahmad Khan  
District & Sessions Judge,  
Orakzai at Baber Mela  
20/10/12

9

So far, the rule of consistency is concerned, though some of the co-accused in the instant case have been released on bail but the present accused/petitioner, being charged with specific role of firing and causing injury to the injured Safi Ullah, has a different role as that of the co-accused whom have been released on bail; therefore, the rule of consistency is not applicable to the case of present accused/petitioner. During course of arguments, learned counsel for accused/petitioner referred to site plan and submitted that the role of causing injury to injured Safi Ullah has been attributed to co-accused Said Salam but as discussion on a site plan involve deep appreciation of merits which is not allowed at bail stage.

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**  
20.10.2022

  
**SHAUKAT AHMAD KHAN**  
Sessions Judge, Orakzai  
at Baber Mela

