


(H)

**Court of Additional Sessions Judge, Orakzai at Baber Mela**

BA. 105/4 of 2022  
Gul Raj Khan vs State

Serial No of order or proceedings	Date of Order Proceedings	Order or other Proceedings with Signature of Judge or Magistrate and that of parties or counsel where necessary
1	2	3
Order	03/11/2022	<p>Mr. Abid Ali Advocate represented accused/petitioner; Mr. Zubair APP for the State assisted by Mudasir Ijaz Advocate for complainant, are in attendance.</p> <p>2. Arguments heard; whereas, this order is intended to dispose of the captioned Bail Application submitted by Accused/petitioner Gul Raj Khan son of Wali Khan, resident of Qaum Utman Khel, Tappa Teerayi of District Orakzai.</p> <p>3. Complainant alongwith other elders of the locality had visited the Office of Assistant Commissioner Kalaya to replace the project of Public Park into a hospital or school. This visit and plea were disgraced by the accused party and started beating the complainant. Report was entered while Nakalmad No.9 dated 29.08.2022. On receiving the medicolegal report, the District Public Prosecutor opined registration of case. Resultantly, FIR bearing No.95 dated 03.10.2022 was registered under Section-336/337 A(1)/34 of the Pakistan Penal Code 1860, in Police Station Kalaya. Other co-accused have been granted bail by Learned Civil Judge-1 vide Order dated 27.10.2022. The bail has been declined to the present petitioner that necessitated presentation of application for post arrest bail which is under consideration.</p> <p>4. Arguments of counsel for the accused/petitioners, counsel representing complainant and APP for State heard and record perused.</p> <p>5. This being stage of bail is neither supposed for deep appreciation of evidence nor can the observation of the Court affect the merits of the case in trial. The occurrence is, no doubt, of daylight and allegedly committed within the premises of Tehsil Headquarter but no ocular evidence of</p>

  
**SAYED FAZAL WABOOD**  
Addl. District & Sessions Judge  
Orakzai at Hangu

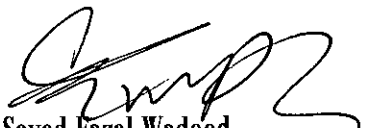
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the incident has been procured. Medico legal report has been drafted on the same day and forwarded to police and even then, the case has been registered with almost one month delay. The age factor of the complainant being 78 years cannot be easily deprecated while going through the MLR. These facts sufficiently render the case of petitioner as that of further inquiry. Similarly, there is no concept of withholding bail as matter of punishment.

6. In view of the above, the plea of bail is accepted. Consequently, the accused/petitioner is released on bail subject to furnishing surety bond in the sum of Rs. 120,000/- with two sureties, each in the like amount, to the satisfaction of this Court.

7. File of this Court be consigned to District Record Room, Orakzai after its necessary completion and compilation within the span allowed for. Record of the Police be sent back with copy of this Order.

8. Announced in the open Court.

  
Sayed Fazal Wadood,  
AD&SJ, Orakzai at Baber Mela