

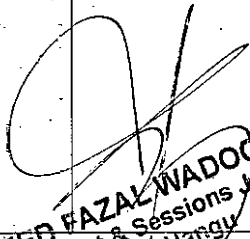
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IN THE COURT OF ADDITIONAL SESSIONS JUDGE ORAKZAI, AT BABAR MELA

BA No. 111/4 of 2022

Muhammad Ameen 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 5	23/11/2022	<p>Mr. Abid Ali advocate represented accused/petitioner; complainant remained absent despite service; whereas, Muhammad Zubair APP for State is in attendance. This is the disposal of captioned post arrest Bail Application, submitted by accused/petitioner Muhammad Ameen.</p> <p>2. Hamesh Gul complainant being father of deceased Gul Nawab reported the incident in Civil Hospital Mishti Mela, Orakzai, charging the accused including petitioner Muhammad Ameen for Qatl-e-amd. Murasila was converted into FIR bearing No.8 dated 08-02-2020, registered at Police Station, Upper Orakzai (Ghiljo) under sections 302/34 and 311 of the Pakistan Penal Code-1860 with addition of Section 15 of the KP Arms Act, 2013. Other co-accused have been acquitted on conclusion of their trial. The accused Muhammad Ameen was absconding and on arrest presented instant post arrest bail petition, which is under consideration.</p> <p>3. Arguments of the learned counsel for the accused/petitioner and learned APP for the State heard and record perused.</p> <p>4. The tentative assessment of record reveals that three persons have been charged in present case with similar general role without specification of any act attributed to anyone of the accused. Two persons out of three accused have already been acquitted on conclusion of trial. Therefore, rule of consistency can be attracted for considering plea of bail of petitioner. The single point of difference is that of absconsion but mere abscondence is no ground to refuse bail to the accused/petitioner particularly, when it called for further inquiry. Hon'ble the Peshawar</p>

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

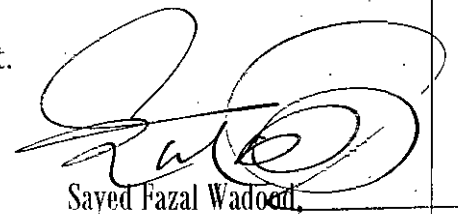
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High Court, Peshawar has settled in "Kaleem Anwar vs State" case reported as 2020 YLR, Note 149, that accused could not be kept in jail when his role was at par with that of acquitted co-accused and his guilt was to be adjudged on the same evidence, on the basis of which co-accused were acquitted. Similarly, it has further been determined that acquittal of co-accused with identical role and on the same set of evidence renders the case of other co-accused as that of further inquiry (2019 PCr.LJ Note-136).

5. For what has been discussed above, petitioner is admitted to bail subject to furnishing bail bonds to the tune of Rs. 150,000; with two sureties, each in the like amount; to the satisfaction of this Court.

6. File of this Court be consigned to District Record Room after its necessary completion and compilation with in the span allowed for; whereas, record be returned with the photocopy of this Order.

7. Announced in open Court.



Sayed Fazal Wadood,

AD&SJ, Orakzai at Baber Mela