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

BA No. 108/4 of 2022

Fazal Ghani 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	09/12/2022	<p>Mr. Hamid Sarfaraz advocate represented accused/petitioner; whereas, Muhammad Zubair APP for State are in attendance. This is the disposal of captioned post arrest Bail Application, submitted by accused/petitioner Fazal Ghani.</p> <p>2. Hassan Jan complainant, SHO of the Police Station Kurez Boya, charging the accused/petitioner Fazal Ghani son of Khanay for Qatl-e-amd on the score of honor killing. Murasila drafted which was converted into FIR bearing No.18 dated 01-10-2022, registered at Police Station, Kurez Boya under sections 302/311 of the Pakistan Panel Code-1860. Accused/petitioner Fazal Ghani being behind the bar 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. This is tentative assessment of record for being stage of bail as deep appreciation of evidence is neither necessary nor warranted. The accused has directly been nominated in the contents of FIR. The report followed by registration of case is prompt that excludes the chances of deliberation. Both the deceased got hit as a result of firing and died on the spot which fact has been confirmed by medical evidence further strengthen the prosecution case on its face. It is also worth mentioning that the offence with which accused is being charged for, falls within the ambit of prohibitory clause of Section 497 of the Code of Criminal Procedure, 1898 which is obviously termed crime heinous in nature. As for as affidavits of some of the legal heirs is concerned, those are incomplete proceedings which are</p>


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

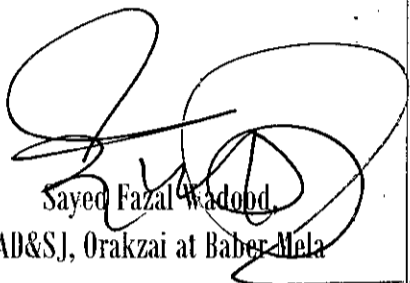
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excluded from consideration at this stage.

5. For what has been discussed above, this Court holds the view that prima facie case is existing against the accused and he is not entitled to be released on bail; therefore, instant bail application stands rejected.

6. File of this Court be consigned to District Record Room, Orakzai after its necessary completion and compilation with in the span allowed for. Similarly, the copy of this order be placed on record that requires to be returned back.

7. Announced in open Court.



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