

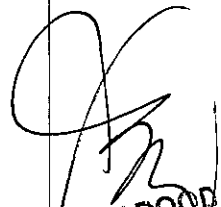
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IN THE COURT OF ADDITIONAL SESSIONS JUDGE ORAKZAI, AT BABAR MELA

BA No. 112/4 of 2022

Muhammad Shafiq 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	20/12/2022	<p>Mr. Abid Ali Advocate for accused/petitioner; complainant through brother and DPP for State are in attendance.</p> <p>2. Arguments heard; whereas, this is the disposal of petition for grant of bail, submitted by accused/petitioner Muhammad Shafiq son of Muhammad Jan resident of Qaum Mala Khel Tappa Qutab Khel, Starr Kalay, Ghiljo and District Orakzai.</p> <p>3. Complainant Mst Raheela Jan while furnishing first information report narrated that accused being son and deceased being father were in strained relation and hard talks for the last one week. The accused has snatched the pistol of deceased and fired him during quarrel within the house which resulted into death. Accused escaped from the spot and local police has transmitted dead body to Hospital for Post Mortem Examination. Resultantly, FIR bearing No. 18 dated 07.09.2022 was registered at Police Station Daboori of Orakzai District by inserting Section 302 of Pakistan Penal Code, 1860. On recovery of weapon, Section 15 of the KP Arms Act 2013 was added in the FIR later on. Meanwhile, accused was arrested and thus petition for grant of bail was presented which is under consideration.</p> <p>4. The complainant and legal heirs of the deceased appeared before the Court and stated at the bar that they have patched up the matter with the accused/petitioner and have got no objection if Bail is granted to the accused/petitioner. To this extent, their joint statement was recorded in the Court. Compromise Deed and Copies of CNICs have been exhibited as Ex.PA to Ex. PC which were placed on file. Since the parties themselves have</p>

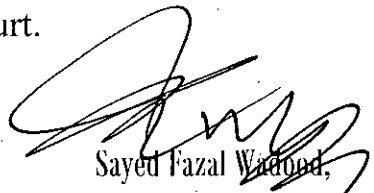

SAYED FAZAL WADOOD
District & Sessions Judge
Orakzai at Hangu

forgiven and forgotten the offence; therefore, keeping in view the above, the compromise is accepted and the bail petition is accepted on the basis of compromise.

6. It is not out of place to mention here that the compromise deed on prescribed proforma has been exhibited in joint statement and the case was fixed for payment of Diyyat to the extent of minors namely Aisha and Amina (daughters of deceased) and Mustafa (son of the deceased). But, the counsel representing petitioner requested for postponement of the payment of Diyyat till the commencement of trial on the score that such payment requires the transfer of property which is not possible without the presence of accused behind the bar. As the accused and complainant are real son and mother and similarly, the payee and payer of Diyyat are real siblings; therefore, request for postponement of Diyyat till commencement of trial being justified in the peculiar circumstances of the case, is allowed.

7. For what has been discussed above, the petition stands allowed on the basis of compromise. The accused/petitioner is released on bail subject to furnishing surety bond in the sum of Rs. 200,000/- with two sureties, each in the like amount, to the satisfaction of this Court.

8. Announced in open Court.


Sayed Fazal Waheed,
AD&SJ, Orakzai at Baber Meta