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IN THE COURT OF ABDUL BASIT
ADDITIONAL SESSIONS JUDGE-II, ORAKZAI

Petition No. 14/4 of 2024

“Sajid Ali... Versus ... The State etc.”

Order---04

11.03.2024

Accused/petitioner through counsel present.

DPP for the State present.

Complainant submitted wakalatnama in favor of Hamid Sarfaraz Advocate.

Accused/petitioner Sajid Ali s/o Abbas Ali seeks his post arrest bail in case FIR no. 12 dated: 24.02.2024 under sections 302/324/34 PPC of Kalaya Police Station, Orakzai.

Muhammad Arif, the complainant, reported that he alongwith his nephew Hidayatullah were present near the shop of Tilawat Khan and his brother Shah Muhammad was sitting on a chair at some distance; that in the meanwhile, Sajid Ali and Faiz Ali while riding on their motorcycle approached from Feroz Khel Mela side, parked the motorcycle on road and got alighted from the motorcycle; that motorcycle was rode by Sajid Ali; that Sajid Ali ordered Faiz Ali to kill Shah Muhammad, whereat, Faiz Ali opened fire through Kalashnikov on Shah Muhammad, who got hit and died on the spot; that Faiz Ali also made fires at him and Hidayatullah with intention to kill but they luckily escaped unhurt; that motive behind the offence was narrated as previous blood feud enmity, therefore, complainant has charged Sajid Ali and Faiz Ali for commission of offences.

Arguments of learned counsel for accused/petitioner, learned DPP for the State assisted by counsel for complainant heard and record perused.

Tentative assessment of record reveals that complainant has charged accused/petitioner for role of command issued to the co-accused for murder of Shah Muhammad, which is yet to be determined during trial that whether the co-accused was actually persuaded from the said command or not. The accused/petitioner was arrested from his house at 1120 hours

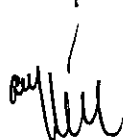
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on the very day of occurrence, however, no motorcycle or any incriminating material has been recovered from his possession despite his immediate arrest after the occurrence, which makes it a case of further inquiry. Accused/petitioner has not confessed his guilt and his vicarious liability shall be seen during trial. The role attributed to the accused/petitioner is to facilitate the principal accused and he has not been charged for active role of firing.

For what has been discussed above, the court conclude that accused/petitioner has made a case of bail, hence, his bail application is allowed subject to furnishing bail bonds to the tune of Rs. 200,000; with two sureties, each in the like amount; to the satisfaction of this Court. Sureties must be local, reliable and men of means. Copy of this order be placed on police and judicial files for record.

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.

Announced
11.03.2024


(Abdul Basit)
Addl. Sessions Judge-II, Orakzai