

Order.03
05.09.2022

APP for the state present. Learned counsel for accused/petitioners present. Complainant also present.

Complainant stated that he has not lodged any report to the local police. He further stated that if accused/petitioners are released on bail or subsequently acquitted, he has got no objection. Statement of complainant to this effect was separately recorded. Copy of his CNIC is Ex. PA and Iqrar Nama on stamp paper is Ex. PB. Record already received. Arguments heard and record gone through.

Accused/petitioners namely Noor Hassan, Ghameen Shah, Inam Nabi, Yousaf Khan, Wali Rehman, Wahid Gul and Khyal Zameer, are seeking their post arrest bail in case FIR No.76, Dated:15.08.2022 U/S 324, 354, 504, 455, 148, 149 PPC, PS Kalaya, Orakzai.

Perusal of record reveals that the alleged occurrence took place on 15.07.2022 at 1300 hours and FIR was registered on 15.08.2022. As per contents of FIR, report of complainant was reduced into writing in shape of Mad No. 7 dated 15.07.2022 and inquiry U/S 157 (I) Cr. PC was initiated. There is nothing on record which could show that any permission whatsoever was obtained from the court for initiating inquiry into the matter. No empty has been recovered from the spot. Allegedly, accused/petitioners entered into the house of complainant and made firing with intention to commit their murder but neither any empty has been recovered nor there is any bullet hitting marks on the



05/09/2022
ZAHIR KHAN
Civil Judge/JM
Kalaya Orakzai

walls of the house. Statements of women folk have not been recorded. Accused/petitioners have not confessed their guilt before the court. There is no criminal history of accused/petitioners as per available record. Similarly, there is nothing on record which could show that accused/petitioners are previously convict or habitual, hardened, desperate or dangerous criminals. Participation of accused/petitioners in the commission of the offence is to be determined during trial, therefore, case of accused/petitioners requires further inquiry. Complainant has categorically denied lodging of any report to the local police. He has got no objection if accused/petitioners are released on bail or subsequently acquitted. Investigation has already been completed and accused/petitioners are no more required to the local police for further investigation and no useful purpose would be served by keeping the accused/petitioners behind the bar.

Resultantly, application in hand is allowed. Petitioners be released on bail subject to furnishing bail bonds in the sum of Rs. 80,000/- with two reliable sureties each in the like amount to the satisfaction of this court. Copy of this order be placed on police as well as judicial record. Record be sent back to the quarter concerned forthwith, while file of this court be consigned to record room after necessary completion and compilation.

ANNOUNCED:
05.09.2022



Zahir Khan
JMIC-I, Tehsil Kalaya,
Orakzai