

IN THE COURT OF JUDICIAL MAGISTRATE-I, KALAYA, ORAKZAI

Bail Petition 5 /4 of 2024.
 Date of institution.....25.03.2024.
 Date of decision.....25.03.2024.

Order.No.02
25.03.2024

Bail petition received from the court of learned Judicial Magistrate-II, Kalaya, Orakzai. Be entered. APP for the state present. Son of accused/petitioner present. Complainant Muhammad Gul present. Record received. Written arguments on behalf of counsel for accused/petitioner annexed with bail petition. Arguments of APP for the state heard and record perused.

Accused/petitioner namely Wali Khan S/O Muhammad Hussain R/O Qaum Utman Khel, Tappa Aba Khel, Momin Garhi, Tehsil Lower, District Orakzai is seeking his post arrest bail in case FIR No.15 dated: 18.03.2024 U/S 324, 427/34 PPC, Police Station Kalaya, District Orakzai.

Record shows that accused/petitioner is directly and by name charged in a promptly lodged report by the complainant. The punishment for the offence u/s 324 PPC falls within the ambit of prohibitory clause of Section 497 Cr. PC. There are eye witnesses to the occurrence and 03 crime empties of 7.62 bore have been



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ZAHIR KHAN
 Civil Judge/JM
 Kalaya Orakzai

recovered from the place of accused/petitioner. The tractor having bullets hitting marks, is taken into possession by the IO which further support the version of prosecution. There is a strong motive of land dispute behind the occurrence. As per judgments of the Apex Superior Courts, deeper appreciation of evidence is not permissible at bail stage and only tentative assessment thereof, is to be made just to find out connection of accused/petitioner with the commission of the offence. Sufficient material is available on file connecting the accused/petitioner with the commission of the offence. In the given circumstances the accused/petitioner is not entitled to the concession of bail.

Consequently, the application is turned down. Copy of this order be placed on judicial as well as police file. Requisitioned record be sent back to the quarter concerned forthwith.

File of this court be consigned to record room after necessary completion and compilation.

ANNOUNCED:

25.03.2024



Zahir Khan
JMIC-I, Tehsil Kalaya,
Orakzai