

3

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

Petition No. 77/4 of 2024

"Azizullah... versus ... The State etc."

Order--02 Pre-arrest bail application received from the court of District
15.08.2024 & Sessions Judge, Orakzai. It be entered in the relevant register.
Accused/petitioner on ad-interim pre-arrest bail present. Counsel for
accused/petitioner and complainant in persons are present. The
injured and his father are also in attendance. DyPP for the state is
also in attendance.

Accused/petitioner Azizullah S/o Anwar Shah seeks
confirmation of his pre-arrest bail provisionally granted to him in
case FIR no. 63 dated: 26.07.2024 u/s 337-H PPC of Kalaya Police
Station, Orakzai.

Brief facts of the case as per report are that the local police on
receipt of information rushed to The DHQ Hospital Mishti Mela,
where injured Munir Shah aged about 12/13 was found present; that
Swat Khel, the paternal uncle of injured, reported that on 26.07.2024
at about 1200 hours his nephew Azizullah while cleaning 30 bore
pistol was loading/unloading the pistol, when in the meanwhile, it
made a fire shot and his another nephew Munir Shah got hit
mistakenly and sustained injuries; that he quickly arranged a vehicle
and shifted his nephew to DHQ Hospital; therefore, Azizullah was
charged for causing firearm injury to Munir Shah.

Today, Swat Khal complainant and Anwar Shah (father of
injured) appeared before the court and brought into the notice of
court that matter has been patched up between the parties and they
have got no objection on confirmation of bail before arrest of
accused/petitioner and later on his acquittal at trial stage. In this
respect, the joint statement of Swat Khel and Anwar Shah in person
and as guardian of minor Munir Shah recorded on oaths, wherein,

my
15/08/2024
Abdul Basit
Addl. District & Sessions Judge-II
Orakzai at Baber Mela,
Hangu

C4

Contd. 02

15.08.202

endorsed that they have effected compromise with accused/petitioner and pardoned him unconditionally by waiving off their right of arsh, daman etc. and have got no objection on confirmation of bail before arrest of accused/petitioner or later on acquittal of accused/petitioner at trial stage. They have submitted compromise deed, Exh.PA, Swat Khel submitted copy of his CNIC, Exh.PB and Anwar Shah also submitted copy of his CNIC, Exh.PC. They were interviewed about the compromise, who stated at the bar that they have compounded the offence with their free will/consent and without any duress/pressure, which may be accepted.

Perusal of record reveals that accused/petitioner stands charged under section 337-H PPC, which is non-bailable and carries the punishment up to three years, however, parties have effected compromise with the accused/petitioner outside the court and endorsed no objection on confirmation of bail before arrest of accused/petitioner. As the offences with which the accused/petitioner is charged with is compoundable in nature and since compromise is in the best interest of the parties, hence, in given circumstances sending the accused/petitioner behind the bars would serve no useful purpose as he has already joined the investigation, therefore, on acceptance of compromise in hands, bail before arrest of the accused/petitioner Azizullah is confirmed on the existing bail bonds. The matter of acquittal of accused/petitioner shall be dealt with by the concerned learned trial court in accordance with law on submission of complete challan for trial. Copy of this order be placed on judicial/police files for record.

File consigned to the record room after completion and compilation, while requisitioned record be returned forthwith after placing on it copy of the present order.



Announced
15.08.2024

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