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

Petition No. 86/4 of 2024

“Muhammad Rauf... Versus ... The State etc.”

Order--02

03.09.2024

Accused/petitioner on ad-interim pre-arrest bail along with counsel is present. Complainant and injured in persons are present. DPP for the state is also in attendance. Counsel for accused/petitioner submitted an application for addition of sections of law i.e. 337-A, (i) & 337-D PPC in the heading of application on ground that these sections of law were later on added and have been mistakenly not mentioned in the petition. Application is allowed and Muharrir of the court is directed to add above mentioned sections of law in the petition with red ink.

Accused/petitioner Muhammad Rauf s/o Noor Muhammad seeks confirmation of his pre-arrest bail provisionally granted to him in case FIR no. 01 dated: 21.01.2024 u/s 324, 337-A (i), 337-D read with section 34 of PPC of Ghiljo Police Station, Orakzai.

Aurangzeb Khan, complainant, reported that on 21.01.2024 at 1615 he and his brother Muhammad Arif were sitting near main road, where their cousins Muhammad Rauf armed with pistol & Muhammad Adil armed with axe came and started altercation with them and a quarrel took place; that complainant called the people for help to set-them free but in the meanwhile, Muhammad Adil hit his brother Arif Khan with blow of axe on his head and Muhammad Rauf made firing with intention to kill, due to which Muhammad Arif got injured and both the accused escaped from the spot; that motive behind the offence was dispute over women folks, hence, the report.

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Addl: District & Sessions Judge-II
Orakzai at Baber Mela,
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Today, Aurangzeb Khan complainant and injured Arif Khan 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 the accused/petitioner and later on his acquittal at trial stage. In this respect, joint statement of Aurangzeb Khan, complainant, and Arif Khan, the injured recorded on oaths, wherein, 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, Aurangzeb Khan submitted copy of his CNIC, Exh.PB and Arif Khan submitted his CNIC as Exh.PC. They were interviewed about the compromise, who stated at the bar that they have compounded the offence with their free will/consent & without any duress/pressure, which may be accepted.

Perusal of record reveals that accused/petitioner stands charged under sections 324, 337-A (i) and 337-D PPC read with section 34 PPC, however, parties have effected compromise with the accused/petitioner outside the court. 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 the 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 Muhammad

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Rauf is confirmed on existing bail bonds. The matter of acquittal of accused/petitioner shall be dealt with by the concerned learned trial court in accordance with law after submission of the complete challan for trial. Copies 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
03.09.2024

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