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

Petition No. 95/4 of 2024

“Muhammad Hamid Khan... Versus ... The State etc.”

**Order---05
20.09.2024**

Post-arrest bail received from the Court of District & Sessions Judge, Orakzai. It be registered.

Accused/petitioner through counsel present.

Complainant alongwith counsel is present.

Accused/petitioner Muhammad Hamid Khan son of Nasrullah Khan seeks his post arrest bail in case FIR no. 11 dated: 27.05.2024 under sections 302 PPC and 15AA of Ghiljo Police Station, Orakzai.

Brief facts of the case as per report are that the local police on receipt of information rushed to the Emergency Room of THQ Hospital Ghiljo, Orakzai, where they found the dead body of Umar Khan about whom Shahzad Khan, complainant and paternal uncle of the deceased, reported that on 26.05.2024, his nephew Umar Khan left home at Isha time stating that he was going somewhere with Hamid Khan and would return late but he did not come back to home; that in the morning at 07:30 am, he received the information that his nephew Umar Khan had been killed by someone and his dead body was lying near Musa Mela tube well; whereas, he along with relatives rushed to the spot, where they found the dead body of Umar Khan smeared with blood; they had come to know that Umar Khan had been killed by Muhammad Hamid Khan for unknown reasons; therefore, complainant has charged Muhammad Hamid Khan for murder of his nephew Umar Khan.

Arguments of learned counsel for accused/petitioner and counsel for complainant heard and record perused.

Perusal of file reveals that though the time of occurrence is unknown, it is unseen occurrence, there is no direct evidence on file, there is delay in lodging the report, however, the record available on file suggests that accused/petitioner is directly charged by the complainant and the investigation officer has

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recovered the weapon of offence along with two empties on the pointation of accused/petitioner which were promptly sent to the FSL and in this respect the FSL result is positive with the opinion that the crime empties were fired from recovered rifle, which prima facie connects the accused/petitioner with the commission of heinous offence. The offence with which accused is being charged for, falls within the ambit of prohibitory clause of Section 497 of the Code of Criminal Procedure, 1898. Similarly, the medico legal report further supports the prosecution version. There is sufficient incriminating material available on file to connect the accused/petitioner with the commission of offence. In view of above observations; therefore, this court is not inclined to extend the concession of bail to the accused/petitioner; hence, the bail petition is dismissed. 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
20.09.2024


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