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

Petition No. 93/4 of 2024

“Ajmal... versus ... The State etc.”

Order---04

Accused/petitioner through counsel present.

25.09.2024

Dy.PP for the State is present.

Complainant/respondent with counsel present.

Accused/petitioner Ajmal s/o Akhtar Gul seeks his post arrest bail in case FIR No. 15 dated: 29.03.2023 under section 324 PPC read with section 34 PPC of Central Mishti Mela Police Station, Orakzai.

Concise facts of the case are that Muhammad Ismail SI on receipt of information, rushed to the Emergency Room of Mishti Mela Hospital where he found Juma Khan and Rafiullah in injured condition; that injured Juma Khan reported that he along with his brother Taj Akbar and Rafiullah were present in the shop of Sabir, where Akhtar Gul and Ajmal armed with firearms came and opened fires at them with intention to kill them; that due to said firing, he got injured with the firing of Ajmal and Rafiullah got injured with the firing of Akhtar Gul while his brother Taj Akbar luckily remained unhurt; that accused escaped from the spot after commission of offence; therefore, complainant has charged Ajmal and Akhtar Gul for the commission of offence.

Arguments heard and record perused.

Perusal of the record reveals that complainant has directly charged the accused/petitioner for attempt at their lives, due to which he received bullet injury on his leg. The

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prosecution has well explained the delay in lodging the report as earlier the injured visited the DHQ Hospital Kohat. The occurrence has witnessed by independent witnesses. The prosecution evidence and medical report fully supports the prosecution version. The accused/petitioner has remained at large for about 18 months, which itself shows the conscious guilt about the commission of offence. So far contention of learned counsel for accused/ petitioner that co-accused Akhtar Gul has already been released on bail by the learned trial court, it is held that he was granted the bail by the learned trial court on the basis of compromise, therefore, the rule of consistency does not attract to this case. All referred facts connects the accused with commission of offence on its face. The offence falls within the prohibitory clause of section 497 Cr.PC. There is sufficient incriminating material available on file to connect the accused/petitioner with the commission of offence. In view of above observations, this court is not inclined to extend the concession of bail to the accused/petitioner; thus, 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
25.09.2024


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