

IN THE COURT OF SYED OBAIDULLAH SHAH,
SESSIONS JUDGE, ORAKZAI

Bail Application No. : 61/4 of 2024
Date of Institution : 11.09.2024
Date of Decision : 25.09.2024

MUHAMMAD SHABBIR VS THE STATE

ORDER

DPP, Umar Niaz for the State and Sana Ullah Khan Advocate for accused/petitioner present. Arguments heard and record gone through.

2. The accused/petitioner, **Muhammad Shabbir** s/o Azeem Khan seeks his post arrest bail in case FIR No. 82, dated 17.08.2024, u/s 302/201/34 PPC of Police Station Kalaya, wherein as per contents of FIR, Said Bibi, the widow of deceased, vide daily diary no. 20 of 13.08.2024 made a report to the local police to the fact that her husband was mentally ill for the last 03 years and on that day when she entered her room, she found the deceased smeared with blood who succumbed to his injuries while shifting to the hospital. The report was verified by Azeem Khan (complainant). The matter was referred to the SHO for inquiry. During the course of inquiry, the father of deceased, namely Azeem Khan (complainant) in


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POLICE STATION KALAYA

his statement recorded 164 CrPC before the court
Judicial Magistrate on 17.08.2024 charged the
present accused/petitioner along with co-accused
for the commission of offence. Hence, the present
FIR.

3. Learned counsel for the accused/petitioner
argued that the accused/petitioner has falsely been
implicated in the instant case to scot-free the actual
culprit, that the medical reports do not support the
version of the complainant. On the contrary, the
complainant's counsel put forward his arguments
that the accused/petitioner has directly been
charged in the FIR, the offence for which the
accused/petitioner is charged, is heinous in nature.

4. Upon reviewing the record, it's apparent
that though the accused/petitioner is nominated in
the FIR for the offence covered by the prohibitory
clause of section 497 Cr.P.C on the basis of an
inquiry, but no document to authenticate the
inquiry conducted in the instant case is available
on file. Moreover, at the time of initial report, the
complainant had substantiated the version of the
widow of deceased but later on deviated from his
stance and charged the accused/petitioner along
with co-accused Mst. Said Bibi besides repeating


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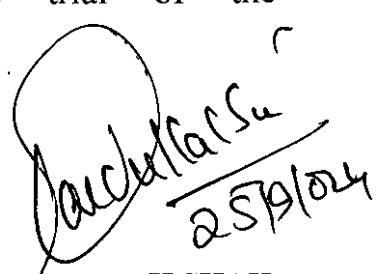
the same story of the deceased being mentally ill, before the court. There is no eyewitness of the occurrence. All these facts throw the case of the accused/petitioner within the ambit of further inquiry.

5. In these circumstances, the bail petition in hand stands accepted and the accused/petitioner is admitted to the concession of bail provided he submits bail bonds in sum of Rs. 100,000/- with two sureties each in the like amount to the satisfaction of this court. Sureties must be local, reliable and men of means.
6. Order announced. File of this court be consigned to record room after its necessary completion and compilation. Copy of this order be placed on judicial/police file.
7. This order is tentative in nature and would

have no effect upon the trial of the accused/petitioner.

Dated: 24.09.2024




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SYED OBAIDULLAH SHAH
Sessions Judge, Orakzai
at Baber Mela