

COURT OF SENIOR CIVIL JUDGE/JM, ORAKZAI AT BABER MELA

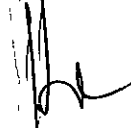
Case Title: Muhammad Daud VS State

Serial No of order or proceedings	Date of Order Proceedings	Order or other Proceedings with Signature of Judge or Magistrate and that of parties or counsel where necessary
1	2	3
Order No. 03	10.10.2024	<p>DPP for the state present. Accused/petitioner through counsel present. Complainant along with counsel present. Record received.</p> <p>The petitioner namely Muhammad Daud s/o Muhammad Farooq has applied for their post arrest bail in connection with case FIR No. 53, Dated: 20.09.2024, U/S 324/504/34 PPC, registered in PS: Kurez Boya, L/Orakzai.</p> <p>Facts as recounted in the FIR are that 09/09/24, the accused Mr. Daud accompanied by two unknown persons began to criminally interfere with the complainant and his workmates. First, allegedly, the accused persons began to cut power supply to the Mines in which the complainants were busy working. It was done to harass them, and disrupt their working. Next the accused persons hurled threats, called names, and fired shots at the complainants, allegedly.</p> <p>Counsel for accused argues that FIR was delayed for 11 days after the matter was reported to local police on 09/09/24. That neither weapon of the alleged offence has been recovered, nor were any marks from the shots found on site. That the complainant is motivated by malice, and ill-will borne from previous disputes.</p> <p>Complainant's counsel rebuts that it is a daylight occurrence for which the accused person is directly charged. That the delay is on part of the inquiry procedures of the police, and not because of the complainant. That by cutting power supply to the mines, thereby shutting the exhaust fans, the accused persons attempted to kill all miners.</p> <p><i>Continue</i></p>

Senior Civil Judge
Orakzai at Baber Mela
10 OCT 2024

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<p>Order No. 03 continued</p>	<p>10.10.2024</p>	<p>Arguments and record perused. Seemingly, the matter was promptly reported on the same day, and the delay in lodging of FIR was owing to actions of the police, which, at this stage, remains undisclosed.</p> <p>Of the approximately 11-12 persons who were attacked on the eventful day, statements of only two are on the file, while the stances of the remaining about the matter are unknown at this stage. Weapon of the alleged shooting is yet to be recovered, which makes the recovery of empties of little significance at this stage, as they cannot be connected to the weapons.</p> <p>From the submissions of the counsels, and record of file, it seems some rivalry does exist between the sides, however, its nature, gravity, and influence on their conduct is yet unknown.</p> <p>Law, by default, sides with bail rather than jail. Only when the commission of crime is sufficiently probable, and the nature and gravity of the alleged offence makes the accused person a flight risk or threat to the community, is bail to be withheld.</p> <p>In the given circumstances, when there is so much to inquire into the allegations, the court is inclined to admit the accused person to bail subject to payment bonds to the tune of Rs.70,000/- with sureties in the like amount to the satisfaction of this court.</p> <p>File be consigned to the record room after its necessary completion and compilation.</p> <p><u>Announced</u> 10.10.2024</p> <p> Ijaz Mahsood Senior Civil Judge/JM, Orakzai (at Baber Mela)</p>
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