

4

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

**Petition No. 101/4 of 2024**

*"Hamid Khan... Versus ... The State"*

**Order---05**

03.10.2024

Accused/petitioner through counsel present.

DyPP for the State present.

Complainant alongwith counsel is present.

Accused/petitioner Hamid Khan s/o Ameen Khan seeks post arrest bail in case FIR no. 06 dated: 26.02.2024 u/ss 302 PPC and 15AA of Mishti Mela Police Station, Orakzai.

Brief facts of the case as per report are that police after receiving information rushed to the Emergency Room of DHQ Hospital Mishti Mela, Orakzai, where, Abdul Jalal injured, in unconscious condition was present in the emergency room of DHQ Hospital, Mishti Mela Orakzai; that Abidullah, nephew of the injured/complainant, was also present there who reported that on 26.02.2024 at 1145 hours, he was busy in removing the snow from the roof of his house, when in the meanwhile, he heard fire shot, whereat, he rushed to the *hujra*, where he found his uncle in injured condition, who was hit with a bullet and lying smeared with blood; that children of family present in the *hujra* told him that Hamid Khan had made pistol fire at his uncle due to which he got hit and injured; that he along with people of locality took him to Hospital in a private vehicle for treatment; therefore, complainant has charged Hamid Khan for causing injuries to his uncle, who later on succumbed to the injuries and died; hence, Hamid Khan is charged for murder of his uncle Abdul Jalal.

*03/10/2024*  
*Abul Basit*  
Addl: District & Sessions Judge-II  
Orakzai at Baber Mela,  
Hangu

5

Contd. 05

03.10.2024

Arguments heard and record perused.

Viewing the arguments advanced by learned counsel for parties and record on file, it is held that accused/petitioner is directly charged for the commission of heinous offence. There is no delay in lodging the FIR, which excludes any possibility of false implication or afterthought. Deceased got hit as a result of firing and died on the spot which fact has been confirmed by medical evidence further strengthen the prosecution case on its face. Though, the accused/petitioner is juvenile but he has committed a heinous offence, which squarely falls within the restrictive clause of section 497 CrPC. An empty has also been recovered from the spot, while recovery of weapon of offence has also been effected on the pointation of accused/petitioner, which prima facie connects him with the commission of offence. Similarly, blood stained earth is also recovered from place of occurrence. Besides above, prosecution has led the evidence of maximum witness except two and assured to lead the evidence of balance two witnesses on next date. 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**  
03.10.2024

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