

BA No. 81/4 of 2024

MUDASSIR ALI VS THE STATE

FIR No. 38, Dated 13.04.2023, u/s 392/341/34 PPC & 17

(3) haraabah, Police Station: Kalaya

IN THE COURT OF SYED OBAIDULLAH SHAH,
SESSIONS JUDGE, ORAKZAI AT BABER MELA

Bail Application No : 81/4 of 2024

Date of Institution : 08.10.2024

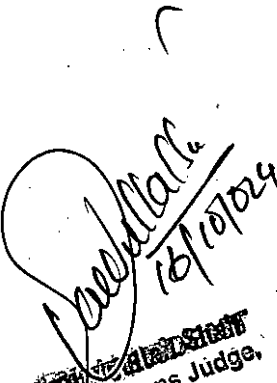
Date of Decision : 16.10.2024

MUDASSIR ALI VS THE STATE

ORDER

Sr. PP, Abul Qasim for the State and Abid Ali Advocate for accused/petitioner present. None present for complainant. Record has already been received. Arguments heard and record gone through.

2. The accused/petitioner, **Mudassir Ali** s/o Ansar Ali, seeks his post arrest bail in case FIR no. 38, dated 13.04.2023, u/s 392/341/34 PPC & 17 (3) haraabah of Police Station Kalaya wherein, as per contents of FIR, the complainant, Sharjeel Khan at about 1450 hours made a report to the police to the fact that he is the owner and driver of a Suzuki Mehran bearing Registration No. ABF-864/ICT and used to drive as a Taxi in Rawalpindi. On 13.04.2023 at about 10:00 hours he was present at Chungi No. 26 where four unknown persons present there booked his car for Kohat in lieu of Rs. 11000/- and started their journey towards Kohat. When they were about to enter Kohat, a person occupying the front seat of the motorcar told him to carry on for 03 more km for which they would pay him more money and when they reached a barren place/mountain, the persons told him to stop, accordingly he stopped and they all came down from the car. One of them snatched the key of the motorcar and the others searched him (complainant), took his purse containing Rs. 7000/- and the photocopy of registration card while returned his cellphone after removing its SIM card whereafter they tied his hands and legs with a piece of cloth, took him to a nearby jungle and left him there. Hence, the present FIR.


16/10/2024
Syed Obaidullah Shah
District & Sessions Judge,
Orakzai at Mangu.

MUDASSIR ALI VS THE STATE

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3. Learned counsel for defense argued that the accused/petitioner is not directly nominated in the FIR and he has falsely been implicated in the instant case to scot-free the actual culprit. Learned Sr.PP for the state put forward his arguments that the accused/petitioner is charged for the offence and recoveries have been which connect the accused/petitioner with the commission offence.
4. In light of the arguments advanced by learned Sr.PP and counsel for the accused/petitioner, record gone through which shows that the accused/petitioner is not directly nominated in the FIR rather he has been charged on 15.04.2023 by the complainant in his statement recorded u/s 164 CrPC after his satisfaction but no source of his satisfaction has been mentioned. Moreover, the occurrence has taken place during broad daylight but no person has been cited as eyewitness. Above all, the co-accused with similar role has also been released on bail and later on been acquitted; hence, the accused/petitioner is also entitled to the concession of bail on the basis of rule of consistency.
5. Therefore, 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. Record be returned with copy of this order be placed on judicial/police record.
7. This order is tentative in nature and would have no effect upon the trial of the accused/petitioner.

Dated: 16.10.2024



Syed Obaidullah Shah
16/10/24
SYED OBAIDULLAH SHAH
Sessions Judge, Orakzai
at Baber Mela