

IN THE COURT OF BAKHT ZADA ADDITIONAL SESSIONS JUDGE-I,
ORAKZAI AT BABER MELA

Bail Application No : 15/4 of 2025
Date of Institution : 11.01.2025
Date of Decision : 14.01.2025

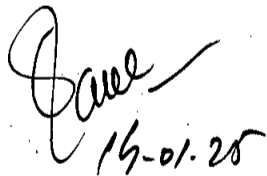
Order No. 04
14.01.2025

Sr. PP, Abul Qasim for the State present. Mr.

Sanaullah Khan Advocate for accused/petitioners present. Complainant also present along with counsel. Record received. Arguments heard and record gone through.

2. The accused/petitioner namely, 1. Shireen Ali S/O Iftikhar Ali, 2. Zar Wali S/O Noorshad Ali, R/O Qaum Mani Khel, Tappa Mast Ali Khel, Lower Orakzai are seeking their post arrest bail in case FIR No. 91, Dated 31.08.2024, registered U/S 337-A(ii), 337-A(iii)/34 PPC, registered at Police Station Kalaya.

3. Facts of the case as per contents of FIR are that complainant Musawir Ali reported the matter to the local police of PS Kalaya vide Naqalmad No. 13, dated 05.07.2024 according to which on 05.07.2024 at 1930 hours, he was outside his house when he received a call from Mr. Raaed Ullah informing that some persons were quarreling with Mr. Habib Raza and Waheed Ali. That when he reached to the spot, he witnessed that 1. Shireen Ali, 2. Sher Alam and Muhammad Ameen sons of Iftikhar Ali and Zar Wali S/O Noorshad Ali, R/O Tappa Mast Ali Khel were


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beating them with blows, sticks and stones and due to which they got injured and fell on the ground. That complainant and other co-villagers came to intervened to separate the victims from the attackers. That the attackers left the spot. He charged the accused for the commission of offence. Motive behind the occurrence is dispute over the landed property. The victims were taken to the hospital where they received medical treatment.

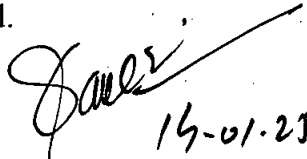
4. Arguments heard and available record perused which shows that the accused/petitioners are although directly charged in the FIR, but no specific role of inflicting injuries at the person of the victims/injured persons has been attributed to them. The occurrence has taken place on 05.07.2024 and as per record the medico legal report received to the police on the same day at 09:10PM and thereafter the final report received on 15.07.2024, but the FIR has been chalked out by the police on 31.08.2024 with the delay of about one and half month. The application for getting legal opinion by the investigation officer is available on the case file, but no such legal opinion given by the prosecution is not available on the case file and the reason for delay of chalking the FIR is not mentioned. Although the said delay cannot be attributed to the complainant, but still the same has not been explained in the case file which makes the case of accused/petitioners one of further inquiry. The case file is silent about any

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recovery in shape of any stick etc. therefore, I hereby accept the instant application and release the accused/petitioners on bail subject to submission of bail bonds in the sum of Rs. 100,000/- with two sureties each, each in the like amount to the satisfaction of court. The sureties must be local, reliable and men of means.

5. Copy of this order be placed on police/judicial file. Case file be consigned to the record room after its necessary completion and compilation while record be returned to the quarter concerned.

Announced
14.01.2025


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Additional Sessions Judge-I, Orakzai
at Baber Mela