

(9)

BA No. 3/4 of 2025
HAZRAT ULLAH VS THE STATE
FIR No. 22, Dated 10.12.2024, U/S 324/34 PPC,
Police Station Dabori

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

Bail Application No. : 3/4 of 2025
Date of Institution : 14.01.2025
Date of Decision : 22.01.2025


HAZRAT ULLAH VS THE STATE

ORDER

DPP, Umar Niaz for the State, Aurangzeb Khan

Advocate for complainant and Sana Ullah Khan
Advocate for accused/petitioner present. Complainant
present through his brother. Arguments heard and record
gone through.

2. Accused/petitioner, **Hazrat Ullah** s/o Khial Jan,
after being refused to be released on bail vide Order
dated 11.01.2025 of the learned Senior Civil
Judge/Judicial Magistrate, Orakzai, seeks his post-arrest
bail in case FIR No. 22, dated 10.12.2024, u/s 324/34
PPC of Police Station Dabori, wherein, as per contents
of FIR, the complainant/injured Inayat Khan on
10.12.2024 at about 1330 hours in the emergency room
of Type-D Hospital Dabori made a report to the local
police to the fact that on the eventful day at about 1220
hours he along with his brother Sharif Khan and a
laborer was en-route to their home from their fields,
when they reached the crime scene, accused Khial Jan
was present there who instigated his son Hazrat Ullah,
the present accused/petitioner, to open fire on the
complainant party; as a result of the firing, he


22/01/2025
Syed Obaidullah Shah
District & Sessions Judge
Orakzai at Baber Mela

5


BA No. 3/4 of 2025
HAZRAT ULLAH VS THE STATE
FIR No. 22, Dated 10.12.2024, U/S 324/34 PPC,
Police Station Dabori

(complainant) sustained injuries on his left arm while his brother narrowly escaped unharmed. Hence, the present FIR.

3. Counsel for the accused/petitioner argued that the accused/petitioner has falsely been charged in the instant case, that the offense does not fall within the prohibitory clause of section 497 CrPC. On the other hand, learned DPP for the state assisted by counsel for the complainant put forward his arguments that the accused/petitioner has directly been charged in the FIR and the recovery in shape of a weapon of offense has been effected.

4. In the light of arguments advanced by the defense counsel, learned DPP assisted by counsel for the complainant and the available record, it is observed that though the accused/petitioner is directly charged in the FIR, but the complainant received injury on non-vital part of his body. In addition, no crime empties has been recovered from the spot of occurrence.

In the initial report, the complainant alleged that he sustained a firearm injury to his left arm. However, in the medico-legal report, the doctor initially noted the injury as being to the right arm. Subsequently, this was corrected by overwriting the reference to the right arm with "left arm," aligning it with the information provided in the initial report. It's a rare and puzzling situation when a doctor cannot tell if the injury is on the patient's


22/01/2025
Syed Obaidullah Shah
District & Sessions Judge
Orakzai at Baber Mela

(B)

BA No. 3/4 of 2025
HAZRAT ULLAH VS THE STATE
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Police Station Dabori

left or right arm, despite the injured is being brought before him for treatment. Moreover, the accused/petitioner has remained in police custody but no confession or admission has been made by him. Hence, the absence of previous conviction/involvement, confession, recovery of crime empties, would attract further inquiry to case of the accused/petitioner.

5. In these circumstances, bail petition in hand stands accepted and the accused/petitioner is admitted to the concession of bail provided he submit a bail bond in the sum of Rs. 100,000/- with two sureties each in the like amount to the satisfaction of this court. The 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.

7. Copy of this order be placed on police/judicial file.

8. This order is tentative in nature and would have no effect upon the trial of the accused/petitioner.

Dated: 22.01.2025



(Signature)
22/01/25
(SYED OBaidULLAH SHAH)
Sessions Judge, Orakzai
at Baber Mela