

Or 11
18-11-2020

Present:

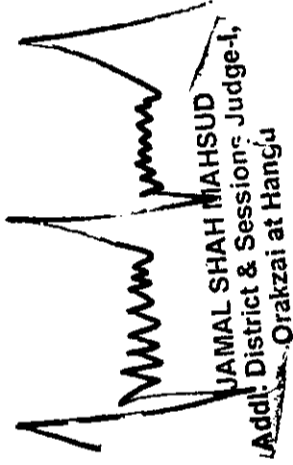
Sana Ullah Khan Advocate for accused/petitioners
Complainant Muhammad Daud, along with Jabir Hussain and
Insaf Ali Advocates
APP Syed Amir Shah for the State

Through the instant bail petition accused/petitioners **(1) Fazal Jamil** and **(2) Said Rasool** (both sons of Dilbar Khan); belonging to Mishti caste, Tapa Darvi Khel; r/o village Badgor, Orakzai; who are charged in case **FIR No. 108**, dated 07-10-2020, u/s **324/427/34 PPC** of **PS Lower Orakzai**, are seeking post-arrest bail.

The instant case was registered on the directions of ex-officio Justice of Peace. The allegations against the accused/petitioners is that they, while armed with weapons, went to the under-construction house of complainant Muhammad Daud - where they razed the construction, attacked the complainant with the intention of murdering him and resorted to indiscriminate firing. The parties were already in dispute about the property in question and the case was pending in civil court. After registration of case the accused were arrested during investigation; hence the instant petition.

Arguments of counsels for the parties and APP for State heard, and available record perused; the tentative assessment of which, for the purpose of deciding instant petition, shows that:

1. The time and date of occurrence was not mentioned in the FIR and the same were revealed by the complainant through a supplementary statement. Chances of delay in reporting the matter to the police cannot be excluded in these circumstances.

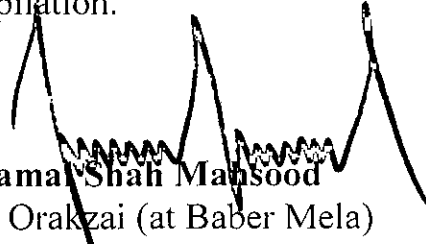

JAMAL SHAH MAHSUD
Addl. District & Sessions Judge,
Orakzai at Hangu

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2. No one was injured in the occurrence, despite allegation of indiscriminating firing. Therefore, the allegation of attempt to commit the qatl-i-amd is without substance.
3. Although, the complainant had stated that he had saved the empties with himself; however, neither the empties were produced before the police in the investigation nor any marks of bullets were found present at the spot of occurrence.
4. One of the accused/petitioners is a juvenile.
5. No incriminating material have been recovered from the accused/petitioners.

In view of the above circumstance, the accused/ petitioners have made out a case of further inquiry into their guilt. Resultantly, the instant petition is **accepted** and it is directed that the accused/petitioners, **Fazal Jamil** and **Said Rasool**, may be released on bail in the instant case, subject to furnishing bail bonds in the sum of **Rs 80,000 (eighty thousand)**, with two sureties for each in the like amount, to the satisfaction of this court. Record of the police be sent back along with a copy of this order. Let this file be consigned to Record Room after its necessary completion and compilation.

Announced
18-11-2020


Jamal Shah Mansood
ASJ-I Orakzai (at Baber Mela)