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**IN THE COURT OF ADDITIONAL SESSIONS JUDGE-II ORAKZAI, AT
BABAR MELA**

BA No. 63 of 2020

Muhammad Hussain etc Vs State

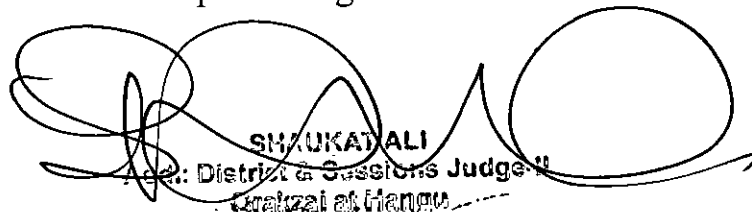
ORDER
30.11.2020

Mr. Abid Ali Advocate, learned counsel for the accused/petitioners present. Mr. Javid Iqbal Anwar Sr.PP for the State present. Mr. Abdul Qayoum Khan Advocate learned counsel for the complainant along with complainant present and submitted W/N on behalf of complainant.

Accused/petitioners Muhammad Hussain s/o Salim Shah and Meer Azam s/o Muhammad Hussain r/o Cast Rabia Khel, Tappa Behram Khel, Samana Tehsil Ismail Zai District Orakzai are seeking their release on bail in case FIR No.52 dated 07/11/2020 U/Sec 302/324/34 PPC of PS Upper Orakzai (Ghiljo) wherein the accused/petitioners are charged for the murder of deceased Sherin Gul and for effective firing on complainant.

Arguments of the learned counsel for the accused/petitioners and learned Sr.PP for the state assisted by learned counsel for the complainant heard and record perused.

The tentative assessment of record reveals that accused/petitioners are directly charged by name in the first information report by giving them specific role of firing with fire arm weapons. The deceased Sherin Gul got hit as a result of firing of accused Muhammad Hussain and died on the spot and the complainant escaped unhurt from his firing however as a result of firing of accused Meer Azam the complainant got hit on his nose and injured which


SHAIKAT ALI
Addl. District & Sessions Judge II
Orakzai at Mangu

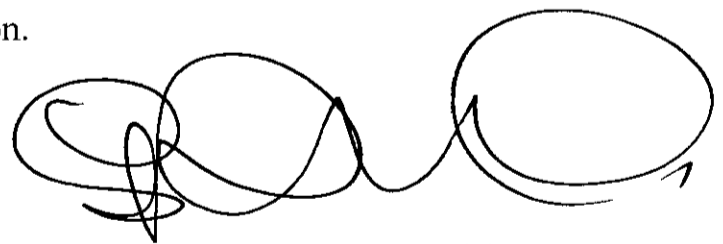
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prima facie shows the intention of accused/petitioner Meer Azam. The PM report of deceased Sherin Gul and injury sheet of complainant shows fire arm injuries which supports the prosecution case against the accused/petitioners. The injured complainant is the eye witness of the occurrence and the motive for the occurrence has been disclosed in the FIR by the complainant as land disputes. During spot inspection by the Investigation Officer, blood stained stones and one empty of 7.62 bore was recovered from the spot that confirmed the venue of occurrence as shown in the site plan. The fact and circumstances of the case prima facie connect the accused/petitioners with the commission of offence which disentitle the accused/petitioners to the grant of bail. The accused/petitioners are charged for a heinous offence of murder and effective firing on the complainant that falls within the prohibitory clause of section 497 Cr.P.C.

In view of the above facts the accused/petitioners are not entitled to be released on bail, therefore the instant bail application is rejected.

File of this Court be consigned to record room after its necessary completion and compilation.

Announced
30.11.2020



(SHAUKAT ALI)
Additional Sessions Judge-II,
Orakzai at Babar Mela