

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

BA No. 19 of 2020

Muhammad Younas etc VS State

ORDER
02.05.2020

The bail application received from the court of Hon'ble Sessions Judge. It be registered. Mr. Sana Ullah Khan Advocate, Learned counsel for the accused/petitioners present. Syed Amir Shah APP for the State present.

Accused/petitioners Muhammad Younas and Sami Ullah Ss/o Gul Chaman and Shan Umar s/o Tehsil Khan r/o Sheikhan Tappa Bazeet Khel village Rangeen Khel District Orakzai are seeking their post-arrest bail in case FIR No.29 dated 18/04/2020 u/s 324, 353,186,216 PPC PS Lower Orakzai (Kalaya).

Brief facts of the case are that the complainant Muhammad Shafiq Khan SHO received information that accused/POs charged in case FIR No. 1115 of 2019 u/s 302,324,148,149/34 PPC PS Jarma District Kohat are present at their home, that on that information the complainant along with other police officials reached to the house of accused/POs for their arrest, that the accused/petitioners started firing on police party from their houses and in response to the firing of accused/petitioner the police party also started firing in their defence, that the accused/petitioners were aiding and harbouring the accused/POs of case FIR No. 1115 of 2019. The complainant drafted the Murasila and sent the same to the PS for registration of

FIR against the accused/petitioners on the basis of which the instant FIR was registered, hence the instant post arrest bail application.

Arguments for the learned counsel for the accused/petitioners and APP for the state heard and record perused.

The perusal of record would transpire that the accused/petitioners are charged for ineffective firing as neither party received any injury despite the alleged indiscriminate firing from both sides, therefore it is yet to be determined that whether the accused/petitioners could be charged for 324 PPC which makes the case of accused/petitioners one of further inquiry. No independent witness has been cited in the case against accused/petitioners to give evidence despite the fact that the alleged occurrence took place near the village abadi. Furthermore, no points has been given for the accused/petitioners in the site plan nor signs of fire shots has been noted in the site plan and the alleged weapon of offence has also not been recovered from accused/petitioners, hence only the recovery of alleged empties from the spot could not prime facie connect the accused/petitioners with the commission of offence. Offences under sections 353,186 and 216 PPC are bailable one wherein the accused/petitioners have the right to be release on bail. The accused/petitioners are already interrogated in the instant case and their further detention in the judicial lock-up would serve no useful purpose, thus the case of the accused/petitioners is arguable for the grant of bail.

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Handwritten signature or mark.

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In view of the above discussion the bail petition in hand is accepted and the accused/petitioners are ordered to be released on bail subject to furnishing surety bond in the sum of Rs. 100, 000/- with two sureties each in the like amount to the satisfaction of this court or duty Judge. The sureties must be local and men of means.

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

Announced
02.05.2020



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