

BA No. 53/BA of 2020

Or 04
11-05-2019

Present:

Aurangzeb Khan Advocate for accused/petitioners

Sana Ullah Khan Advocate for complainant (Wakalatnama submitted and placed on file)

DPP Umer Niaz Khan for State

The accused/petitioners (1) **Gul Nawaz** and (2) **Meer Nawaz**, both sons of Muhammad Yousaf; residents of Mishti Bazar, Orakzai are seeking **post-arrest bail** in **case FIR no. 34** dated **01-05-2020**, registered under section **324/34 PPC** in PS Lower Orakzai,

The facts of the case, according to FIR, are; that the complainant/injured Khalid Mehmood reported the matter to ASHO in Civil Hospital, Mishti Mela. The complainant reported that he had a guest in hujra when accused/petitioners dishonoured his guest, due to which he locked the hujra; that the accused/petitioners got angry on locking of hujra; that he was standing on the roof of his house, when the accused/petitioner started firing at him with the intention to commit qatl-e-amd; that he was hit and injured in the buttock. The complaint was referred to medical treatment and report; while a murasila was sent to PS for registration of instant case.

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

1. The accused/petitioner are charged directly by name in a promptly lodged FIR; the parties are known to each other and there is no chance of misidentification.
2. The medical report shows injury in the groin area with fracture of hip bone – which is a vital part of body and an injury of serious nature.

- (5)
3. Six empties were recovered from the spot attributed to accused/petitioners and the circumstances suggest attempt to commit qatl-e-amd.
4. The offence falls under prohibitory clause 497 CrPC.

In these circumstances, the instant petition is found without merit and the same is hereby **dismissed**. Let a copy of this order be placed on record; while this file be consigned to the record room after necessary completion and compilation.

Announced
11-05-2020


Jamal Shah Mahsood
AS-I, Orakzai