


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

BA No..... 24 of 2019

Hadi Khan Vs..... State

ORDER
05.09.2019

Learned counsel for the accused/petitioner present. Syed Amir Shah APP for the State present. Learned counsel for the complainant present.

Accused/petitioner Hadi Khan s/o Laj Bar Khan r/o Qoam Mishti Mameezi Ott Mela Tehsil Lower District Orakzai is seeking his post-arrest bail in case FIR No.24 dated 08/08/2019 u/s 324/148/149-PPC of PS Lower Orakzai(Kalaya).

Brief facts of the case are that the complainant Hazrat Ullah reported in emergency room at civil hospital Mishti Mela in injured condition that he along with Qaim Ali Shah left their house at 08:00 hours to search the cattle of Qaim Ali Shah and were present at the place of occurrence, that in the meanwhile they heard hue and cry and when they looked back many people were coming towards them and due to fear they started running, that the Chagha Party started firing on them as a result of which the complainant got hit and injured while he does not know about Qaim Ali Shah. The report of the complainant was reduced in the shape of murasilla which was sent to the PS for registration of FIR through Constable Muhammad Riaz on the bases which instant FIR was registered against the accused/petitioner, hence the instant post arrest bail.

Arguments for the learned counsel for the accused/petitioner, and learned APP for the state assisted by learned counsel for the complainant heard and record perused.

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Perusal of record would reflect that the accused/petitioner is neither named in FIR nor the complainant has attributed any specific role of firing to the accused/petitioner rather the complainant has charged the Chagha Party in the FIR without mentioning the name of members of such party. The accused/petitioner has been implicated in the instant case on the bases of belated supplementary statement recorded after twenty days of the occurrence wherein the complainant has also not disclosed the source of his satisfaction for charging the accused/petitioner which makes the case of accused/petitioner one of further inquiry. Furthermore, the evidentiary value of such belated statement is yet to be seen at the time of trial. The case of accused/petitioner is thus arguable for the grant of bail.

In view of the above discussion the bail petition in hand is accepted and the accused/petitioner is ordered to be released on bail subject to furnishing surety bond in the sum of Rs. 200, 000/- with two sureties each in the like amount to the satisfaction of this court. 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
05.09.2019



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

SHAUKAT ALI
Addl: District & Sessions Judge-II,
Orakzai at Hangu