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BA File No. 27/BA of 2019

Or 04
18-09-2019

Present:

Aurangzeb Khan Advocate for accused/ petitioner
APP Zohaib Ahmad Sher for the State
Muhammad Karim, father of deceased

Through the instant Bail Petition accused/petitioner **Abdul Wahid** (alias Wahed Ur Rehman) s/o Wazir Ur Rehman; r/o Ghooz Gar, Caste Rabia Khel, Tapa Pio Khel, Samana, Ismail Zai, Orakzai is seeking his release on post arrest bail, in case FIR No. 8 Dated **16-08-2019** u/s **302/34** PPC of PS Upper Orakzai (Ghiljo).

The facts of the case, according to the FIR, are; that on 16-08-2019, the complainant Ms. Feroza Bibi w/o of Muhammad Karim reported at the local police post, along with the dead body of her son Muhmmad Zaman (deceased). The complainant stated that she was present at her house along with her deceased son and other inmates; that after *Isha* her son was strolling in the courtyard of the house, which had no boundary wall. That at about 21:00 hours someone fired at her son from the trees outside, with the intention to commit murder. That her son was severely injured and the unknown culprit/s decamped. That her son was being shifted to hospital but he succumbed. She further stated that they had no enmity with any one and charged unknown accused for the murder.

On 28-08-2019, Muhammad Karim, the father of deceased made a statement before local police under 161 CrPC, which was later also recorded u/s 164 CrPC. In this supplementary statement he stated that he was satisfied, after due probe, that his son was murdered by Wahed Ur Rehman (accused/petitioner) with the help of two unknown persons. Hence, the instant petition.

Arguments of the learned counsel for the accused/petitioner and APP for State heard; record perused, the tentative assessment of which shows that.

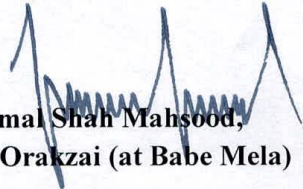
1. Unknown person/s were charged in the FIR.
2. The accused/petitioner was charge after delay of 12 days by father of deceased, who is admittedly not an eyewitness of occurrence. Accused/petitioner has been charged merely on the basis of personal probe and satisfaction of father of deceased. There is nothing in investigation which would support the statement of Muhammad Karim, the father of deceased.

JAMAL SHAH MAHSUD
Addl. Dist. Sessions Judge-1
Orakzai at Hangu

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3. The APP stressed during arguments that the mobile data of accused/petitioner collected during investigation proves his presence in the area. However, the worth of mobile phone data allegedly belonging to the accused/ petitioner shall be determined during trial, after recording of evidence.
 4. The accused/ petitioner has remained in police custody but no further recovery or discovery has been made against him.

In view of the above circumstance, the accused/ petitioner has made out a case of further inquiry into his guilt, for the purpose of grant of bail. Resultantly, the instant petition is **accepted** and it is directed that the accused/petitioner be released on bail in the instant case, subject to furnishing bail bonds in the sum of Rs. 100,000 (One lac) with two sureties, 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, while this file be consigned to Record Room after its necessary completion and compilation.

Announced
18-09-2019


Jamal Shah Mahsood,
ASJ-I Orakzai (at Babe Mela)