

IN THE COURT OF ASGHAR SHAH SESSIONS
JUDGE, ORAKZAI AT BABER MELA

Bail Application No : 53/4 of 2020
Date of Institution : 10.07.2020
Date of Decision : 20.07.2020

AZAM KHAN VS THE STATE

ORDER

DPP, Umar Niaz for State and Syed Anwar Sadat Ali Advocate for accused/petitioner present.
Arguments heard and record gone through.

2. Accused/petitioner, Azam Khan seeks his release on bail in case FIR No. 25, dated 16.06.2020, registered U/S 322 PPC and 15AA at Police Station Lower Orakzai Kalaya, wherein he is charged for causing murder of his mother and injury to his brother by mistake.
3. From the arguments and record available on file, it reveals that the post-mortem/exhumation report and MLC of the injured is showing the nature of injury is due to firearm besides the husband of the deceased and father of the injured who is also the father of accused has recorded his statement before the Court of JM-I, Orakzai wherein it is categorically mentioned that due to negligent act of the accused, the occurrence took place and the same was unintentional. No other

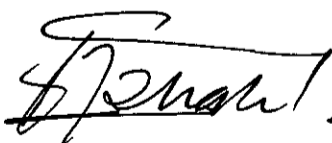
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ASGHAR SHAH
JUDGE
ORAKZAI

evidence at the moment is available on the case file to determine that the occurrence was deliberate or intentional. The section 322 PPC carries punishment of diyat only. There is no past criminal history of the accused/petitioner besides there is no confession or pointation on his part during the investigation. The local police had not recovered any blood from the spot. Also, the accused/petitioner has gone through the process of investigation but he has not confessed his guilt. As such further inquiry would be attracted to the case of accused/petitioner and his case is thus arguable for the purpose of bail.

4. Hence, in the light of above, the bail petition in hand stand accepted and accused/petitioner is admitted to bail in sum of rupees 100,000 with two sureties each, each in the like amount to the satisfaction of this court.

5. File be consigned to Sessions Record Room for after further necessary compilation and completion.

Announced
20.07.2020


ASGHAR SHAH
Sessions Judge, Orakzai
at Baber Mela
20/07/20.