

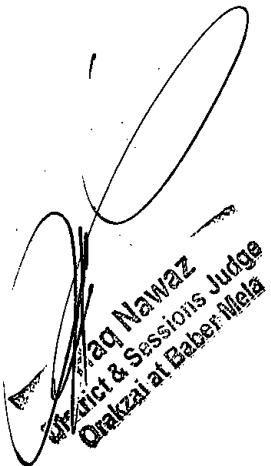
IN THE COURT OF HAQ NAWAZ,
SESSIONS JUDGE/JUDGE JUVENILE COURT,
ORAKZAI AT BABER MELA

Bail Application No. : 40/4 of 2025
Date of Institution : 15.05.2025
Date of Decision : 30.05.2025

ORDER

Sr. PP, Abul Qasim for the State and Hamid Sarfaraz Advocate for accused/petitioner present. Complainant along with his counsel present. I heard arguments and perused the record.

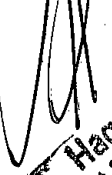
2. Accused/petitioner, **Umar Nawaz** s/o Umar Khitab seeks his post arrest bail in case FIR No. 46, Dated 02.08.2024, u/s 302/324/148/149 PPC of Police Station Kurez on statutory ground. As per contents of FIR, the local police acting on information reached THQ Hospital Kalaya and found the dead body of Ameen Ullah in emergency room. The complainant, Sami Ullah made a report to the local police to the fact that on the eventful day he along with deceased Ameen Ullah, injured Rahim Ullah and others were busy in excavating gravels from a nearby Algada when at about 1800 hours, the present accused/petitioner duly armed and other co-accused arrived there and started beating them (the complainant party) with butts of firearm and stones, as a result of firing of the


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present accused/petitioner and co-accused Shah Nawaz, Rahim Ullah and Ameen Ullah received injuries respectively who later on succumbed to their injuries and died. The complainant's uncle named as Awal Akbar also received injuries on his ear while the complainant luckily escaped unhurt. Hence, the present FIR.

3. The petitioner contended in his application that his earlier application was dismissed on merits on 24.09.2024. According to the record, he is a juvenile and the trial of the case is pending beyond the period of 06 months which make him entitled for concession of the bail on the ground of statutory delay, in conclusion of the trial.

4. After hearing both the parties and perusal of the record, it was found that though the accused was arrested on 03.08.2024 but his challan was put in Court on 08.11.2024 and the accused was formally charged on 14.11.2024. Since then, a total of 06 months has elapsed; however, a careful perusal of the record shows that the counsel for the accused remained absent for 05 hearings, causing the delay of about 02 months in conclusion of the trial. Needless to mention that a total of nine witnesses have so far recorded their statements and the


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Investigation Officer along with a few official witnesses are the only remaining PWs to appear before the Court.

5. In such circumstances, the petitioner is not entitled to the concession of bail on statutory grounds, provided under Section 6 (5) of the Juvenile Justice System Act, 2018.
6. Order announced. File of this Court be consigned to record room after its necessary completion and compilation.
7. Copy of this Order be placed on police/judicial file.
8. This Order is tentative in nature and would have no effect upon the trial of the accused/petitioner.

Dated: 30.05.2025

(HAQ NAWAZ)

Sessions Judge/Judge Juvenile Court,
Orakzai at Baber Mela

