

(7)

BA No. 53/4

ABDUL QADEEM ETC. VS THE STATE

FIR No. 50, Dated 17.05.2025, u/s 324/436/427/148/149 PPC & 5
Explosive Substance Act, PS Kalaya

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

Bail Application No. : 53/4 of 2025
Date of Institution : 02.06.2025
Date of Decision : 11.06.2025

ORDER

Sr. PP, Abul Qasim for the State, Ibrahim Khan Advocate for respondents No. 2 and 3 present. Mr. Sana Ullah Khan Advocate for accused/petitioners present. I heard arguments and perused the record.

2. Accused/petitioners, **Abdul Qadeem, Jan Muhammad, Sultan Muhammad**, sons of Speen Gul, **Parwez Alam** s/o Jan Muhammad, **Asad Ullah** s/o Abdul Qadeem, **Murtaza** s/o Abdul Qadeem, **Wazir Badshah** s/o Jalat Shah and **Sabz Ali** s/o Wazir Badshah seek their post-arrest bail in case FIR No. 50, Dated 17.05.2025 registered u/s 324/436/427/148/149 PPC and 5 Explosive Substance Act of Police Station Kalaya. As per contents of FIR, the complainant made a report to the local police to the fact that he had leased out his landed property to the petitioner Haji Qadeem for cultivation since long, but he had not paid the rent for the last four years. The complainant has submitted an application to local administration who resolved the issue. It was further reported by the complainant that he has given notice to the tenant a month ago to

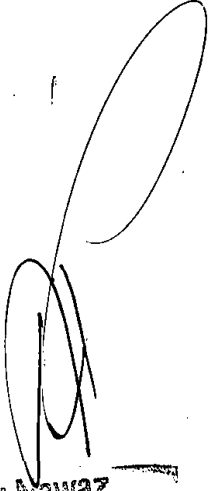

Haq Nawaz
District & Sessions Judge
Orakzai at Baber Mela

ABDUL QADEEM ETC. VS THE STATE

FIR No. 50, Dated 17.05.2025, u/s 324/436/427/148/149 PPC & 5
Explosive Substance Act, PS Kalaya

vacate the lease property. That on the eventful day, the complainant was present in the property for cultivation with his tractor where at about 1330 hours the accused/petitioners duly armed with firearms emerged from their houses and started firing upon the complainant party; as a result of which, one Raj Wali received injuries. He further submitted that the accused Abdul Qadeem, Mustafa, Sabz Ali and Parvez put their vehicle of complainant on fire. Hence, the present FIR was registered.

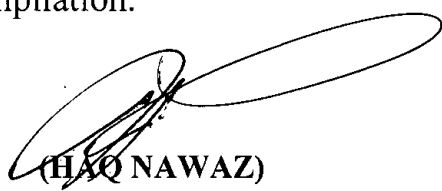
3. After hearing both the parties and perusal of the record, it was found that the petitioner Murtaza was not charged in the FIR but he was arrested along with other accused in the instant case. His counsel has annexed a photocopy of his Form-B which shows that his date of birth is 22.12.2010, thus, he is under the age of 16 years. Besides Raj Wali Khan, another person namely Abdul Wali was also injured in the incident but his name was not mentioned in the FIR. According to medico legal reports, both the injured sustained injuries with blunt objects. None of them have recorded their statements u/s 161 Cr.PC to charge the accused for commission of offence. The petitioner Abdul Qadeem is charged u/s 5 of Explosive Substance Act, on the basis of recovery of


Haq Nawaz
District & Sessions Judge
Orakzai at Baber Wala

a hand grenade from his pocket but no process was followed u/s 7 of the said Act for application of section-5. There are no allegations in the FIR to attract Section 436 PPC and Section 435, which is applicable in the present case, does not fall within the prohibitory clause of Section 497 CrPC. These facts make the case one of further inquiry.

4. Hence, in view of what is discussed above, the accused/petitioner is admitted to the concession of bail provided he submits a bail bond in sum of Rs. 80,000/- with two sureties each in the like amount to the satisfaction of this Court. The sureties must be local, reliable and men of means.
5. Copy of this Order be placed on police/judicial file. File of this Court be consigned to record room after its necessary completion and compilation.

Announced:
11.06.2025


(HAQ NAWAZ)
Sessions Judge, Orakzai
at Baber Mela