

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

Bail Application No. : 67/4 of 2025  
Date of Institution : 17.06.2025  
Date of Decision : 25.06.2025

ORDER

Sr. PP, Abul Qasim for the State and Sana Ullah Khan Advocate for accused/petitioner present. I have heard arguments and perused the record.

2. Accused/petitioner, **Niqab Ali** s/o Ghameen Ali seeks his post arrest bail in case FIR No. 44, Dated 13.05.2025, u/s 337-F(v) PPC of Police Station Kalaya. As per contents of FIR, the local police responding to information regarding presence of an injured in THQ Hospital, reached there. The injured/complainant, Mst. Imtiaz Bibi made a report that an argument broke out between her and her husband Niqab Ali (accused/petitioner) on the eventful day, and in a fit of rage, he picked up an axe and attacked on her right foot; as a result of which she sustained injury. Hence, the present FIR.

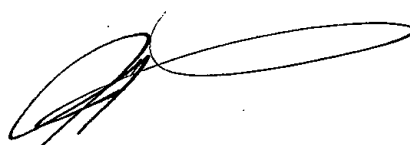
3. The learned counsel for the petitioner argued that the offense does not fall within the prohibitory clause of Section 497 CrPC. The injury sustained by the complainant is on non-vital part of her

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body. There is no eyewitness of the occurrence and no recovery has been made from the spot. He, therefore, requested for release of the petitioner on bail.

4. On the other hand, the learned Sr. PP argued that the petitioner is directly nominated in the FIR for causing gruesome injury to the complainant. He, therefore, requested for dismissal of the petition.
5. After hearing both the parties and perusal of the record, it was found that the accused is directly charged in the FIR. The parties are spouses in between, hence there is no question of misidentification. The complainant was pregnant at the time of incident. Medical evidence supports the prosecution case.
6. In such circumstances, the petitioner is not entitled to the concession of bail at this stage of the case. Therefore, the application is rejected.
7. 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:**  
25.06.2025

  
**(HAQ NAWAZ)**  
Sessions Judge, Orakzai  
at Baber Mela