

BA No. 81/4

JAHANZEB KHAN ETC. VS THE STATE

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

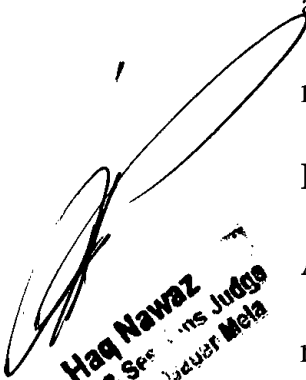
IN THE COURT OF HAQ NAWAZ,
SESSIONS JUDGE, ORAKZAI AT BABER MELA

Bail Application No. : 81/4 of 2025
Date of Institution : 03.07.2025
Date of Decision : 11.07.2025

ORDER

Sana Ullah Khan Advocate for accused/petitioner and Sr. PP, Abul Qasim for the State. Complainant present in person. Syed Hamza Gilani Advocate present and submitted Wakalatnama on behalf of complainant. I heard counsel for the parties and perused the record.

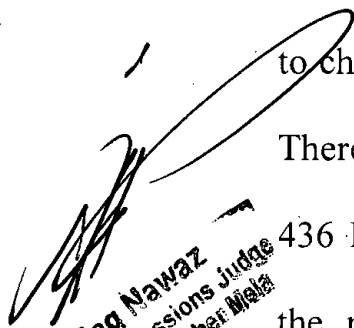
2. Accused/petitioners, **Jahanzeb Khan** s/o Jan Muhammad, **Hidayat Ullah** s/o Abdul Qadeem and **Shah Nawaz** s/o Taj Muhammad seek their post-arrest bail in case FIR No. 50, Dated 17.05.2025 registered u/s 324/436/427/148/149 PPC and 5 Explosive Substance Act of Police Station Kalaya. As per contents of FIR, the complainant made a report to the local police to the fact that he had leased out his landed property to the accused 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 a notice to the tenant a month ago to vacate the lease property. That on the


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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 the 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 though the accused/petitioners are directly nominated in the FIR for inflicting firearm injury to the injured but according to medico legal reports, both the injured sustained injuries with blunt objects. None of the injured have recorded their statements u/s 161 CrPC to charge the accused for commission of the offence.

There are no allegations in the FIR to attract Section 436 PPC. Though Section 435 PPC is applicable in the present case, but it does not fall within the prohibitory clause of Section 497 CrPC. These facts make the case one of further inquiry. Above all, the co-accused with similar roles have already been admitted to bail; therefore, the accused/petitioners are


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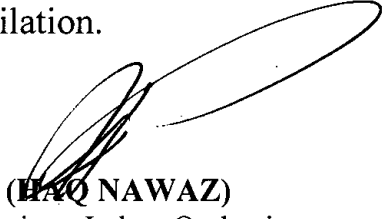
Explosive Substance Act, Police Station: Kalaya

also entitled to the concession of bail on the basis of
rule of consistency.

4. Hence, in view of what is discussed above, the
accused/petitioners are admitted to the concession of
bail provided each of the accused/petitioner 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:
11.07.2025


(HAQ NAWAZ)
Sessions Judge, Orakzai
at Baber Mela