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**SAID NAWAZ VS STATE**  
FIR NO. 70, Dated: 03.08.2024, U/S 324/337-D/34 PPC, PS Kalaya  
**IN THE COURT OF BAKHT ZADA ADDITIONAL SESSIONS JUDGE-I,**  
**ORAKZAI AT BABER MELA**

Bail Application No : 28/04 of 2025  
Date of Institution : 08.02.2025  
Date of Transfer In : 27.02.2025  
Date of Decision : 27.02.2025

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Order No. 06  
27.02.2025

Case file received from the court of Hon'ble  
Sessions Judge, Orakzai on transfer. Be registered.

Sr. PP, Abul Qasim for the state present.  
Complainant Muhammad Sadeeq along with Sardar  
Ali and Sajjad Haider Advocates present. Petitioner  
through Sanaullah Khan Advocate present. Arguments  
heard and record gone through.

2. The accused/petitioner namely, Said Nawaz S/O  
Shehzad Gul, R/O Bezote, Village Karghan, Tehsil  
Lower, District Orakzai is seeking his post arrest bail  
in case FIR No. 70, Dated 03.08.2024, registered U/S  
337-D/324/34 PPC, of Police Station Kalaya.

3. Facts of the case are that complainant  
Muhammad Sadeeq reported the matter to ASHO  
Muqadar Khan at THQ Hospital Kalaya, where injured  
Said Wali S/O Baz Mir aged about 49/50 years is lying  
in the emergency room in semi-conscious condition.  
He reported that his uncle injured Said Wali is a driver  
and use to ply his vehicle on Orakzai to Bara route. On  
the eventful day i.e., 03.08.2024 as usual he went to  
Kalaya Headquarter square and one Khan Taab  
informed him at 08:30AM telephonically that his uncle

*Dec 27.2.25*  
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Said Wali has been hit by someone through firearm and got injured. On the said information the complainant reached to the hospital where he found his uncle in injured condition. That they have got no ill will or enmity with anyone and charged unknown accused for the commission of offence.

4. Later on, after discharge from the hospital the injured charged the present accused/petitioner Said Nawaz S/O Shahzad Gul along with Gul Munir S/O Shehzad Gul for the commission of offence in his statement recorded U/S 161 Cr. PC. He reported in his statement that while waiting for his turn he parked the flying coach and went to the nearby fields for urination. When he on his way back towards the flying coach, in the meanwhile accused Said Nawaz and Gul Munir parked their motorcycle and the present accused/petitioner Said Nawaz straight away came towards him and made firing at him with his pistol due to which he hit on his abdomen and got injured and the pistol of the accused jammed while repeating the fire.

The accused decamped from the spot on motorcycle with co-accused Gul Munir.

5. Learned counsel for the accused/petitioner Said Wali argued that there is no eye-witness of the occurrence and even the report is made by one Muhammad Sadique, who got the information telephonically. Initially, the FIR is lodged against unknown accused. He argued that there is

*Said Wali*  
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contradiction between the Murasila and Medico-legal report. The injured is shown in unconscious condition in the report while according to the medico legal report, the injured/patient is shown stable, furthermore the injured has charged the accused/petitioner with the delay of more than one month and ten days which definitely have provided space to him for consultation and deliberation. He argued that the case of the accused/petitioner is one of further inquiry and requested for acceptance of the instant bail petition.

6. On the other hand learned Sr.PP for the state and private counsel for the complainant argued that the report of the complainant is based on facts. That initially lodging report against unknown accused speaks volumes of his bonafide. That after gaining senses, the injured has directly charged the accused/petitioner for effective role of making firing at his person. The medico-legal reports fully supports his version and on these grounds they requested for dismissal of the bail application.

*Said*  
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Orakzai at Hangu

After hearing arguments, available record gone through which shows that neither the complainant Khan Sadique, nor the informer Khan Taab are the eye-witnesses of the occurrence and the complainant has rightly lodged FIR against the unknown accused. It is mentioned in the Murasila that the injured was semi-conscious meaning thereby that he was not able to lodge the report. As far as the medico-legal report is

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concerned, the same is silent about his orientation in time and space at the time of examination. It is mentioned that the patient was stable on presentation to emergency which does not mean that he was also oriented and mentally able to know about the events happening around him and the mentioned stability only belongs to his physical health. The medico-legal reports of the injured shows that he got hit on the lower chest cavity and the bullet has touched and affected the posterior body of D-12 vertebra which is vital part and as per medical advice, he is still under treatment from paraplegic center Peshawar which suggest that he is unable to move. The police have not contacted the injured after discharge from the hospital for recording his statement rather as per Zimni No. 06, the complainant has called the police that he has been discharged from the hospital, whereafter the police recorded his statement U/S 161 Cr. PC on 15.09.2024 wherein he directly charged the accused/petitioner with specific role of making firing. As far as the non-mentioning of motive behind the occurrence is concerned, the same is also brought on record by the police after arrest of the accused/petitioner in the statement of accused recorded U/S 161 Cr. PC on 31.01.2025. Prima facie all these facts and circumstances shows strong connection of the accused/petitioner with the commission of offence. I am, therefore, not inclined to release the

  
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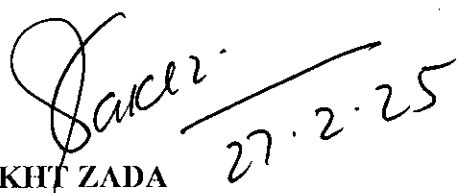
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accused/petitioner on bail. The instant bail petition is dismissed being devoid of merits.

8. Copy of this order be placed on police/judicial file. Case file be consigned to the record room after its necessary completion and compilation while record be returned to the quarter concerned.

**Announced**  
27.02.2025

  
**BAKHT ZADA**  
Additional Sessions Judge-I, Orakzai  
at Baber Mela