

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

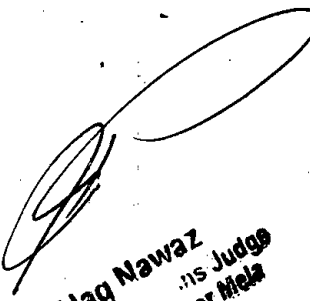
Bail Application No. : 216/4 of 2026
Date of Institution : 08.09.2026
Date of Decision : 16.09.2026

ORDER

Counsel for the accused/petitioner and Sr. PP, Abul Qasim for the state present. Counsel for the complainant, Mr. Akbar Yousaf Advocate appeared on WhatsApp through videocall. Arguments heard and record perused.

2. Accused/petitioner, **Zohaib** s/o Sartif Khan seeks his post-arrest bail in case FIR No. 132, Dated 05.09.2026, u/s 302/324/34 PPC of Police Station Kalaya. As per contents of the FIR, the local police, while responding to the information regarding the occurrence, reached THQ Hospital Kalaya on 05.09.2026 and found the dead body of Jamshid Alam in the emergency room.

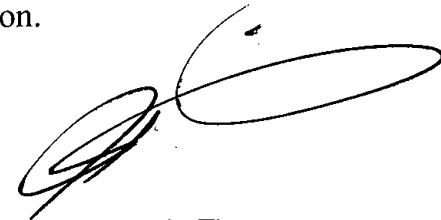
The cousin of the deceased namely Abdul Wahab reported the matter to the local police at 1530 hours to the effect that he along with his cousin Jamshid Alam were on their way on a motorcycle to their house from Utman Khel market on the eventful day and when they reached to the place of occurrence at 1420 hours, the accused/petitioner and co-accused, duly armed, were already present there. They made firing upon the complainant party who fell down from the motorcycle.


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The accused Nek Muhammad made firing upon the deceased who got hit and died on the spot whereas the complainant luckily escaped unhurt.

3. After hearing both the parties and perusal of the record, it was found that though the accused/petitioner is not given effective role in the commission of offence as given to the co-accused Nek Muhammad, but he is directly charged in the FIR. The deceased sustained only two injuries on his person whereas a total of 32 crime empties were recovered from the spot from different places which support the prosecution's case of involvement of all the accused in the commission of offence with their common intention. The offence falls under the prohibitory clause of Section 497 CrPC. The two other co-accused are still at large. The accused/petitioner is, therefore, not entitled to the concession of bail. Hence, the application is rejected.
4. 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:
16.09.2026


(HAQ NAWAZ)
Sessions Judge, Orakzai
at Baber Mela