

(4)

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

Bail Application No. : 230/4 of 2026
Date of Institution : 24.09.2026
Date of Decision : 02.10.2026

ORDER

Sana Ullah Khan Advocate for accused/petitioner
and Sr. PP, Abul Qasim for the state present.
Complainant along with his counsel present.
Arguments heard and record perused.

2. Accused/petitioner, **Zahir Ullah** s/o Ma'af Khan

seeks his post arrest bail in case FIR No. 63, Dated

21.08.2026, u/s 302 PPC of Police Station Mishti

Mela. As per contents of the FIR, the local police,

while responding to information regarding the

occurrence, rushed to DHQ Hospital Mishti Mela

on 21.08.2026 and found the dead body of Mst.

Gulnaza Bibi in the emergency room. Misal Khan,

the father of deceased reported the matter to the

local police at 1610 hours that he was present in

his house at 1500 hours when he was called by one

Mujahid Khan regarding suicide by his daughter.

That upon this information, the complainant along

with other inmates of his family went to her house

and came to know that Zahir Ullah, the husband of

deceased, has committed her murder by

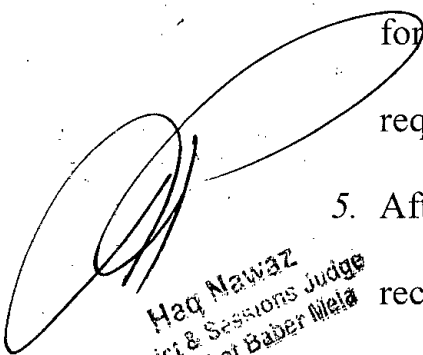

Haq Nawaz
District & Sessions Judge
Orakzai at Baber Mela

5

strangling her. Motive behind the occurrence was cited to be family discord. Hence, the present FIR.

3. The learned counsel for the petitioner submitted that there is a delay of more than 01-hour in lodging the report. The time between injury and death as mentioned in the post-mortem does not correspond with the time of occurrence. There is no other injury on the body of deceased except strangulation to death. He finally submitted that there is no eyewitness of the occurrence. He, therefore, requested for acceptance of the bail petition.

4. On the other hand, the learned Sr. PP and counsel for the complainant opposed the application and requested for its dismissal.


Haq Nawaz
District & Sessions Judge
Orizai at Baber Mela

5. After hearing both the parties and perusal of the record, it was found that the occurrence was taken place inside the house of accused/petitioner. Any delay or contradiction in post-mortem report with the time of occurrence cannot be attributed to the complainant/father of the deceased who travelled from village Kol to the house of accused/petitioner at Esa Khel and thereafter lodged the FIR in Police Station Mishti Mela. The motive behind the

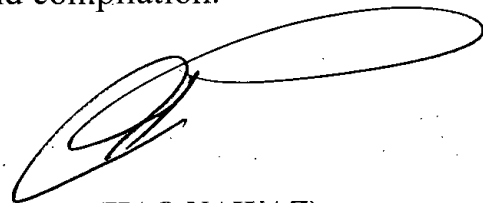
6

occurrence as strained relationship between the accused/petitioner and deceased was also mentioned in the FIR which is supported by a medical report annexed by the complainant with his application for requisition of the record of complaint of his deceased daughter on 17.08.2026, four days before the occurrence. The said fact was also admitted by the accused/petitioner in his statement u/s 161 CrPC. The accused/petitioner is directly charged for the commission of offence falling under the prohibitory clause of Section 497 CrPC. The medical evidence supports the prosecution's case. The recovery of a rope was effected from the room of the accused/petitioner. In such circumstances, the petitioner is not entitled to the concession of bail at this stage of the case. Therefore, the application is rejected.

6. 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:
02.10.2026



(HAQ NAWAZ)
Sessions Judge, Orakzai
at Baber Mela