

IN THE COURT OF JUDICIAL MAGISTRATE-I, KALAYA, ORAKZAI

Bail Petition9/4 of 2023.

Date of institution.....15.02.2023.

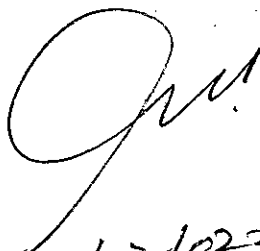
Date of decision.....17.02.2023.

APP for the state**Order.No.02****17.02.2023**

APP for the state present. Complainant Muhammad Anwar Khan present. Record received. Written arguments of counsel for accused/petitioner place of file. Complainant stated that he has affected compromise with accused/petitioner and has pardoned the accused in the name of Almighty Allah, therefore, he has got no objection if accused/petitioner is released on bail or subsequently acquitted. Copy of his CNIC is Ex. PA. Arguments heard and record gone through.

Complainant stated at the bar that he has affected compromise with accused/petitioner outside the court and has pardoned the accused in the name of Almighty Allah. He has got no objection if accused/petitioner is released on bail or subsequently acquitted. To this effect statement of complainant recorded wherein he reiterated the same contention. Statement is duly signed and thumb impressed by complainant. Photocopy of his CNIC is Ex-PA.

Accused/petitioner namely Saddam S/O Muhammad Alam, R/O Qaum Uthman Khel, District Orakzai is seeking his post arrest bail

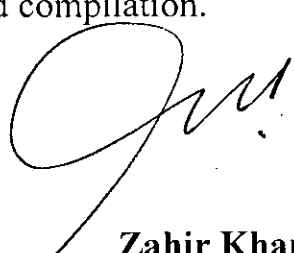

17/02/2023
ZAHIR KHAN
Civil Judge/JM
Kalaya Orakzai

in case FIR No. 105, Dated: 18.10.2022 U/S 341, 342, 506, 504, 148,
149 PPC, PS Kalaya, Orakzai.

Although offence under Section 506 PPC is non compoundable, however, in plethora of judgments of the superior courts, it is held that the factum of compromise could be considered as a ground for grant of bail in the interest of justice and equity. When complainant is not willing to prosecute the accused any further, the court would not compel the parties to do so as "you can take the horse till the water but you cannot make him drink".

Resultantly, application in hand is allowed. Accused/petitioner be released on bail on sole ground of compromise subject to furnishing bail bonds in the sum of Rs. 50,000/- with two reliable sureties each in the like amount to the satisfaction of this court. Copy of this order be placed on police as well as judicial record. Record be sent back to the quarter concerned forthwith, while file of this court be consigned to record room after necessary completion and compilation.

ANNOUNCED:
17.02.2023


Zahir Khan
JMIC-I, Tehsil Kalaya,
Orakzai