

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

Bail Petition ..... /4 of 2023.

Date of institution.....03.02.2023.

Date of decision.....06.02.2023.

Mr. Sana Ullah Advocate for accused/petitioners  
APP for the state

**Order – 03**  
06.02.2023

APP for the state present. Learned counsel for accused/petitioners

present. Son of complainant namely Saif Ullah along with Mr. Abid Ali

Advocate present. Wakalatnama filed. Record already received. Arguments

heard and record perused.

Accused/petitioners namely Waqif Ullah and Noor Nawaz both

sons of Niaz Khan, R/O Qaum Mishti, Tappa Darwi Khel, Village Zwan,

Tehsil Lower, District Orakzai are seeking their post arrest bail in case FIR

No.04 dated:27.01.2023 U/S 337-A(i), 337-F(i), 337-F(iii), 337-L(ii), 147,

149 PPC, PS Mishti Mela, Orakzai.

Record shows that report of the injured/complainant Azram Khan

was recorded vide Mad No. 09, dated 04.03.2022 wherein

accused/petitioners along with co-accused were charged for commission of

the offence. The cross version of the incident was recorded vide Mad No. 10,



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CIVIL JUDGE (M)  
Kalaya Orakzai

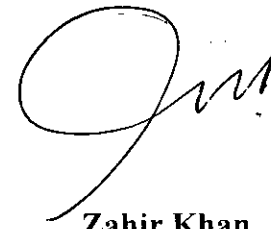
dated 04.03.2022. Accused/petitioner Noor Nawaz is complainant of report recorded vide Mad No. 10, dated 04.03.2022.

Offences U/S 337-F(i), 337-A(i) and 337-L(ii) PPC are bailable in nature while punishment for offence U/S 337-F(iii) PPC does not fall within the ambit of prohibitory Clause of Section 497 Cr.PC. In such like cases grant of bail is a rule and refusal is an exception. On the face of the record, there exists no exceptional circumstances to clog the way of grant of bail to accused/petitioners. No specific role has been attributed to the accused/petitioners. Per contents of FIR, time of occurrence is 1500 hours (3PM) while per medical reports of injured Saif Ullah and Azram Khan, both the injured were examined by medical officer at 03:00PM which makes case of the accused/petitioners one of further inquiry. There is no criminal history of accused/petitioners as per available record. Similarly, there is nothing on record which could show that accused/petitioners are previously convict or habitual, hardened, desperate or dangerous criminals. Participation of accused/petitioners in the commission of the offence is to be determined during trial. Investigation has already been completed and accused/petitioners are no more required to the local police for investigation and no useful purpose would be served by keeping the accused/petitioners behind the bar.

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Kalaya Oranzai

Consequently, application in hand is allowed. Petitioners be released on bail subject to furnishing bail bonds in the sum of Rs. 50,000/- (Fifty thousand) with two 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. The requisitioned 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:**  
06.02.2023



**Zahir Khan**  
Judicial Magistrate-I,  
Tehsil Kalaya, Orakzai