

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

Bail Petition 15/4 of 2023.
Date of institution.....07.03.2023.
Date of decision.....09.03.2023

Khurshid Alam Advocate for accused/petitioners
Complainant Asif Nawaz
APP for the state

Order.No.03
09.03.2023

APP for the state present. Counsel for accused/petitioners present. Complainant also present. He stated that he does not want to engage private counsel. Arguments of counsel for accused/petitioners and APP for the state heard and record perused.

Accused/petitioners namely Muhammad Ayaz and Guleef Khan Ss/O Zarmat Khan R/O Qaum Feroz Khel, Tehsil Lower, District Orakzai are seeking their post arrest bail in Case FIR No.18 dated: 27.02.2023 U/S 324, 337 A(i), 337 F(i)/ 34 PPC, Police Station Kalaya, District Orakzai.

Although, accused/petitioners are directly and by name charged in the FIR by complainant Asif Nazwaz and the punishment for the offence U/S 324 PPC falls within the ambit of prohibitory clause of Section 497 Cr. PC, however, record shows that the alleged occurrence took place on 19.02.2023 and it was reported on the same date but FIR was registered on 27.02.2023. Per contents of FIR, inquiry was initiated to dig out real facts but no permission what so ever was obtained from the court before initiating inquiry. Offences u/s 337-A



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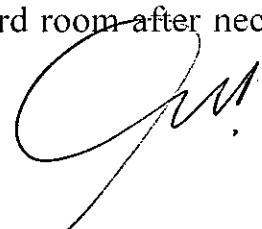
ZAHIR KHAN
Civil Judge/JM
Kalaya Orakzai

(i) and 337-F(i) PPC are bailable. It is not clarified in the FIR that who made firing at the complainant. Four persons are charged for commission of the offence but only 02 empties of 7.62 bore are recovered during spot inspection. Nothing incriminating has been recovered from possession of the accused or on their pointation. It is a night occurrence and source of information regarding the involvement of the accused/petitioners in the commission of the offence has not been disclosed. No specific role has been attributed to the accused/petitioners. Per medical report, nature of injury is simple. Kind of weapon used in commission of offence has not been mentioned in the MLC report of injured complainant. The case of accused/petitioners is one of further inquiry. Investigation has already been completed and accused/petitioners are no more required to the local police for further investigation and no useful purpose would be served by keeping the accused/petitioners behind the bar.

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. Record be returned back to the quarter concerned.

File of this court be consigned to record room after necessary completion and compilation.

ANNOUNCED:
09.03.2023


Zahir Khan
JMIC-I, Tehsil Kalaya,
Orakzai