

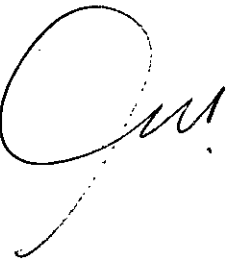
Order.02
27.03.2023

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

Complainant is absent despite service. Record received. Arguments heard and record perused.

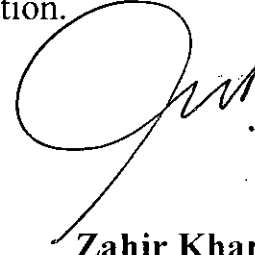
Accused/petitioners namely **Abdullah S/O Khaista Rehman** and **Imtiaz S/O Qamar Khel**, both R/O Qaum Bezote, Village Mir Kalay Khel, Muslim Abad, Tehsil Lower, District Orakzai are seeking their post arrest bail in Case FIR No.28 dated: 27.03.2022 U/S 506, 504, 341, 148, 149 PPC, Police Station Kalaya, District Orakzai.

Perusal of record reveals that there is unexplained delay in lodging of report and registration of FIR. The offences U/S 504 and 341 PPC are bailable while offence U/S 506 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. No extraordinary circumstances exist to justify the departure from the said rule. Co-accused with similar role have already been released on post arrest bail, therefore, rule of consistency apply to the case of accused/petitioners. 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.


27/03/2023
ZAHIR KHAN
Civil Judge/JM
Kalaya Orakzai

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

ANNOUNCED:
27.03.2023



Zahir Khan
JMIC-I, Kalaya, Orakzai