

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

Bail Petition27/4 of 2023.
Date of institution.....13.04.2023.
Date of decision.....17.04.2023.


Mr. Abid Ali Advocate for accused/petitioners
APP for the state

Order.No.03
17.04.2023

APP for the state present. Learned counsel for accused/petitioner present. Complainant (ASHO PS Kalaya) absent. Record received. Arguments heard and record gone through.

Accused/petitioner namely Waseem Ali S/O Liaqat Ali R/O Qaum Mani Khel, Tappa Terai, village Zaridar Tehsil Lower, District Orakzai is seeking his post arrest bail in case FIR No.35, Dated: 09.04.2023 U/S 506,148, 149 PPC, PS Kalaya, Orakzai.

Perusal of record reveals that offence with which accused/petitioner is charged 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 an exception. No such extra ordinary circumstances are available on record to justify departure from this rule. No empty has been recovered from the spot. Nothing incriminating has been recovered from possession of accused or on his pointation. Accused/petitioner has not confessed his guilt before the court. Source of information regarding the involvement of accused in the commission of the offence has not been disclosed. Investigation has already been completed and accused/petitioner is no more required to the local police


17/04/2023
ZAHIR KHAN
Civil Judge/JM
Kalaya Orakzai

for further investigation and no useful purpose would be served by keeping the accused/petitioner behind the bar.

Resultantly, application in hand is allowed. Petitioner be released on bail 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.

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

ANNOUNCED:
17.04.2023



Zahir Khan
JMIC-I, Tehsil Kalaya,
Orakzai