

Bail Petition23/4 of 2023.

Date of institution.....07.04.2023.

Date of decision.....08.04.2023.

APP for the state
Mr. Sana Ullah Khan Advocate, Counsel for accused/petitioner.

Order.02
08.04.2023


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

Complainant absent despite service. Record received.

Bail petition in hand was filed on 07.04.2023. Arguments of counsel for accused/petitioner and APP for the state heard and record gone through.

Accused/petitioner namely Marwat Khan S/O Muhabat Khan R/O Qaum Bezot, Bathani, District Orakzai is seeking his post arrest bail in Case FIR No.27 dated: 17.03.2023 U/S 506, 504, 186, 189 PPC, Police Station Kalaya, District Orakzai.

Perusal of record reveals that the case was registered on submission of the written application by complainant to SHO PS Kalaya but no such application is placed on file. Similarly, copy of notification 247/AC/L/09.03.2023 allegedly issued by AC, L/Orakzai is not placed on file. The offences do not fall within the ambit of prohibitory clause of Section 497 Cr.PC. In such like cases


ZAHIR KHAN
Civil Judge/JM
Kalaya Orakzai

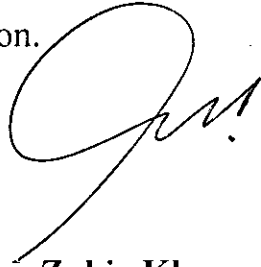
08/04/2023

grant of bail is a rule and refusal an exception. No extra ordinary circumstances exist to justify the departure from the said rule.

Accused has not confessed his guilt before the court. Investigation has already been completed and accused/petitioner is no more required to the local police for further investigation and no useful purpose would be served by keeping the accused/petitioner behind the bar.

Consequently, application in hand is allowed. Petitioner 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:
08.04.2023


Zahir Khan
JMIC-I, Kalaya, Orakzai