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IN THE COURT OF ADDITIONAL SESSIONS JUDGE-II ORAKZAI, AT
BABAR MELA

BA No. 02 of 2020
Abdul Rehman Vs State

ORDER

18.01.2020 Learned counsel for the accused/petitioner present. Syed Amir Shah APP for the State present.

Accused/petitioner Abdul Rehman s/o Bibullah Khan r/o Terkhibay, District North Waziristan seeks his post arrest bail in case FIR No. 04 dated 15/01/2020 u/sec 15-AA PS Upper Orakzai (Ghiljo)

Brief facts of the case are that the complainant Zahid Ameen Inspector/ SHO PS Ghiljo during search and strike operation under the leadership DPO Orakzai and other police officials arrested the accused who was duly armed with Kalashnikov which was recovered from him along with fixed charger containing twelve live rounds of 7.62 bore. The arm and ammunition was taken into possession and the accused disclosed his name Abdul Rehman s/o Bibullah Khan from North Waziristan. The Murasila was drafted which was sent to the PS for registration of the case on the bases of which the instant FIR was registered against the accused, hence the instant post arrest bail application.

Arguments for the learned counsel for the accused/petitioners and learned APP for the state heard and record perused.

The tentative assessment of record would evince that both the witnesses to the recovery memo are police officials therefore there is no apprehension of any tempering with the prosecution evidence if the accused is released on bail. The accused/petitioner is first offender and

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there is no history of his involvement in such like case. The offence for which the accused/petitioner is charged does not fall within the prohibitory clause of section 497 Cr.P.C wherein the grant of bail is a rule and refusal is an exception however no exceptional ground exist to refuse bail to the accused/petitioner. The challan in the case is already complete and the accused/petitioner is no more recovered for any further investigation to the police therefore it will bear no useful purpose to keep the accused behind the bars.

In view of the above discussion the bail petition in hand is accepted and the accused/petitioner is ordered to be released on bail subject to furnishing surety bond in the sum of Rs. 100, 000/- with two sureties each in the like amount to the satisfaction of this court or MOD. The sureties must be local, reliable and men of means.

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

Announced
18.01.2020



(SHAUKAT ALI)
Additional Sessions Judge-II,
Orakzai at Babar Mela
SHAUKAT ALI
Addl: District & Sessions Judge-II,
Orakzai at Hangu