

Or 09
06-02-2020

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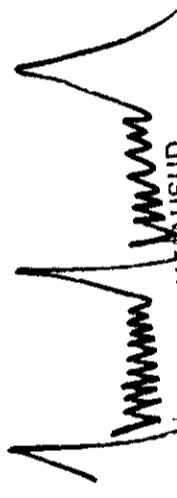
Present:

Zahoor Ur Rehman Advocate for accused/petitioner
Complainant Habib Nawaz, along with Fawad Hussain
Advocate
APP Syed Aamir Shah for the State

Through the instant post-arrest bail petition
accused/petitioner **Misri Khan** s/o Ali Asgahr; caste Malakhel
r/o Kool Upper Orakzai, is seeking his release on bail in case
FIR No. 47 Dated 11-12-2019, registered u/s
387/365/511/148/149 PPC in PS Lower Orakzai.

Facts of the case, according to FIR, are that; in the morning
of 07-12-2019, the 06 co-accused of the present case, allegedly
armed with Kalashnikovs, attempted to abduct the complainant
Habib Nawaz, who was working as contractor on road with
laborers; that the complainant ran away and took shelter in the
house of one Khanadan; that the accused party entered the
house and allegedly beat up the complainant, but that he was
saved from abduction due to intervention of Khanadan. The
accused/petitioner allegedly took away forcefully one pickup
vehicle and two tractors, with tar-coal plants, with them. The
matter was reported to the police on the next date of alleged
occurrence and the FIR was registered after three days of
report.

The present accused/petitioner, Misri Khan, was arrested on
13-01-2020 in the police station, after the alleged recovery of
one tractor from outside his house. Hence the instant petition.


JAMAL SHAH
Sessions Judge-I,
Addl: District & Sessions Judge-I,
Orakzai at Hangu

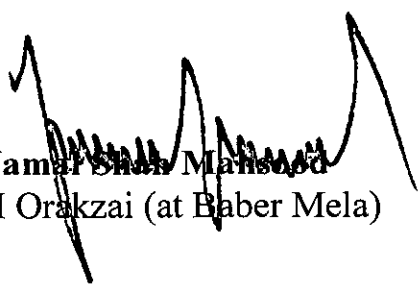
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Arguments of counsels for the parties and APP for State heard, and available record perused; the tentative assessment of which, for the purpose of deciding instant petition, shows that:

1. The matter was reported to the police with delay of almost one day. This delay has not been explained.
2. The accused/petitioner has not been named in the FIR and the alleged recovery of the tractor has been made from outside his house, which place was not in exclusive control of accused/petitioner.
3. There is no allegation against the accused/petitioner in respect of the attempted abduction and beating etc. and he has been charged merely on the ground of recovery of one tractor from outside his house, and that too on pointing of the complainant.

In view of the above circumstance, the accused/petitioner has made out a case of further inquiry into his guilt. Resultantly, the instant petition is accepted and it is directed that the accused/petitioner, **Misri Khan**, may be released on bail in the instant case, subject to furnishing bail bonds in the sum of **Rs 100,000 (one lac)**, with two sureties each in the like amount to the satisfaction of this court. Record of the police be sent back along with a copy of this order, while this file be consigned to Record Room after its necessary completion and compilation.

Announced
06-02-2020


Jamal Shah Mansoor
ASJ-I Orakzai (at Baber Mela)