

Or-----03

17-08-2019

Counsel for the accused/petitioner Mr. Jabbar Hussain Advocate and complainant were present on the previous date. Their arguments heard. APP Mr. Amir Shah advocate for state present and his arguments heard today.

Record received. Accused/petitioner Syed Qaim Ali Shah S/O Syed Badshah, resident of lower Orakzai seeks ^{his} ~~their~~ post arrest bail in case FIR No. 23, Dated: 08/08/2019 U/S 379PPC

Continued.....

Muhammad Inqiaz
Civil Judge/JM/JI
Orakzai at (Babat Mela)

17-08-19

registered at Police Station Kalaya, District L/Orakzai.

Facts in brief as per the prosecution case are that accused/petitioner along with one another co-accused (who is under treatment in the hospital) were charged by the complainant along with people of locality for theft of Cattles.

Arguments heard and record perused.

Perusal of the record available on file reveals that reveals that accused/petitioner was not identified on spot but, identified and charged later on in the FIR. which makes the instant case of further inquiry and complainant also submitted in writing stating that he has no objection to the extent of present accused /petitioner to be released on bail.

Moreover, Section 379 PPC carries punishment for 03 years which does not fall within the prohibitory clause of section 497 Cr.P.C and in such like cases grant of bail is a rule while refusal is an exception. Moreover, there is nothing on the record that the accused/petitioner is hardened, desperate criminal or previously convicted.

The investigation in the instant case is complete and no better purpose will be served if the accused/petitioner is kept in jail in the existence of above mentioned circumstances.

Consequently, the bail petition in hand is allowed. Accused/petitioner is ordered to be released on bail; *if not required in any other case*, subject to furnishing of bail bonds to the tune of Rs: 80000/- with two local, reliable and resourceful sureties each in the like amount to the satisfaction of this court. Record be sent back forthwith to the concern police station. File be consigned to record room after necessary completion.

Announced
17/08/2019

Muhammad Imtiaz
Civil Judge/JM-II
Orakzai at (Babar Mela)
(M. Imtiaz)
17-08-19.
Civil Judge/Judicial Magistrate-II,
Orakzai