

طالب جان بنام سرکار

Order-03
28/09/2019

Counsel for the accused/petitioner Mr. Sana Ullah Advocate present.
Mr. Abid Ali advocate along with the complainant present.
APP Mr. Air Ali Shah for state also present.

1. Accused/petitioner Talib Jan S/O Lal Bat Shah R/O Ibrahim zona Mishti Mela Tehsil Central Orakzai. seeks his post arrest bail in case FIR No. 31, Dated: 20/09/2019 U/S 506/341/34 PPC registered at Police Station Kalaya, District Orakzai.

2. Facts in brief as per the prosecution case are that the Complainant Ilyas Khan S/O Lal Bat through his application and later on through order of learned ADJ-II Orakzai. Instant FIR was registered against the petitioner/accused. Wherein petitioner/accused was charged for offence U/S 506/341/34 PPC along with his two sons. Vide order of this court dated: 23/09/2019, accused No. 02 & 03 (sons of the petitioner/accused) were released on bail being minor.

3. Arguments heard and record perused.

4. Sec. 341 PPC is bailable. Perusal of the record available on file reveals that in his application, the complainant has alleged the accused/petitioner criminally intimidated him.

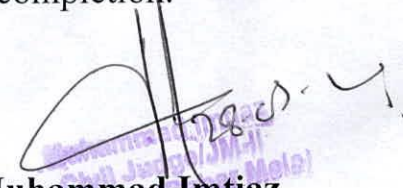
5. Section 506 PPC carries punishment in first part for imprisonment of two years while in second part it carries punishment of imprisonment for 07 years which does not fall within the prohibitory clause of section 497 Cr.P.C and in such like cases grant of bail is a rule while refusal is an exception. And no such exceptions has been brought forth by the counsel for the complainant. Moreover there is nothing on the record that the accused/petitioner is hardened, desperate criminal.

6. 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.

7. Consequently the bail petition in hand is allowed. Accused/petitioner is ordered to be released on bail subject to furnishing of bail bonds to the tune of Rs: 80,000/- 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.

8. File be consigned to record room after necessary completion.

Announced
28/09/2019


Muhammad Imtiaz
JM-II/MTMC
Orakzai