

IN THE COURT OF ASGHAR SHAH SESSIONS  
JUDGE, ORAKZAI AT BABER MELA

Bail Application No : 44/4 of 2020  
Date of Institution : 28.05.2020  
Date of Decision : 30.05.2020

SPEEN GUL ETC. VS THE STATE

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ORDER

APP, Aamir Shah for State and Sana Ullah Khan Advocate for accused/petitioners present. Complainant served through his cell phone but absent. The Judicial Magistrate-I Orakzai has turned down the bail petition of the accused/petitioners vide order dated 21.05.2020 hence, the present bail petition. Arguments heard and record gone through.

2. Accused/petitioners, (1). **Speen Gul**, (2). **Muhammad Umeed** and (3). **Hayat Ullah** seek their release on bail in case FIR No. 43, dated 19.05.2020 registered U/S 506/337-A(i)/34 PPC and 15 AA at Police Station Lower Orakzai, wherein the complainant has charged the accused/petitioners for beating him with kicks and fists as well as causing him injury on his head by hitting him through the butt of rifle and making aerial firing for the purpose of criminal

  
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intimidation at the hands of accused Speen Gul for the motive of land dispute.

3. From the arguments and record available on file, it reveals that apparently the occurrence took place at the spur of moment besides for the single injury three accused have been charged including a father and his son. Moreover, the sections of law levelled do not fall within the ambit of the prohibitory clause of Section 497 Cr.P.C and the grant of bail in such like cases is a rule while refusal is an exception. No previous criminal record of the accused is available on the case file. The facts alleged in the FIR are yet to be proved during the trial. Therefore, till the conclusion of trial accused/petitioners cannot be restrained behind the bar especially in the back ground of Covid-19.

4. Thus, in the light of above, bail application in hand stand accepted and accused/petitioners are ordered to be released on bail subject to furnishing bail bonds in sum of Rs. 50,000/- with two sureties each, each in the like amount to the satisfaction of this court.

5. File be consigned to Sessions Record Room for after further necessary compilation and completion.

**Announced**  
30.05.2020

  
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Sessions Judge, Orakzai  
at Baber Mela  
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