

**IN THE COURT OF JUDICIAL MAGISTRATE-I, KALAYA,
ORAKZAI**

Bail Petition28/4 of 2023.

Date of institution.....17.04.2023.

Date of decision.....18.04.2023.


Mr. Habib Ullah Advocate and Mr. Ijaz Ahmad Advocate
counsels for accused/petitioner
APP for the state

Order.02
18.04.2023

APP for the state present. None present for accused/petitioner. Counsel for accused/petitioner Mr. Ijaz Ahmad Advocate was contacted on his mobile phone number and he replied that he would not be able to appear before the court today, hence, bail petition be disposed of on the basis of available record. Record received. Arguments of APP for the state heard and record perused.

Accused/petitioner namely Muhammad Salam S/O Abdul Khaliq R/O Qaum Feroz Khel, District Orakzai is seeking his post arrest bail in case FIR No. 31, Dated: 04.04.2023 U/S 392 PPC, 5-EXP-SUB-ACT and 15-AA, PS Kalaya, Orakzai.

Perusal of record would reveal that accused/petitioner is by name charged in the statements recorded u/s 164 Cr.PC by Jehad Ullah and Imran Khan for snatching cash amount of Rs. 360,000/-, mobile phones and motorcycles. The snatched motorcycles have been recovered from the spot. The offences with which accused/petitioner is charged are heinous in nature


ZAHIR KHAN
Civil Judge/JM
Kalaya Orakzai

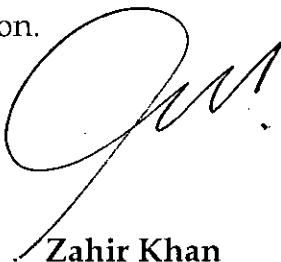
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and affects the society at large. The punishment for the offences falls within the ambit of prohibitory clause of Section 497 Cr. PC. As per decisions of the Apex Superior Courts, deeper appreciation of evidence is not permissible at bail stage and only tentative assessment thereof is to be made just to find out connection of accused with the commission of the offence. Bail petitions of co-accused have already been dismissed by this court.

Resultantly, application in hand is dismissed. Copy of this order be placed on police as well as judicial record. The requisitioned record be returned back to the quarter concerned.

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

ANNOUNCED:
18.04.2023


Zahir Khan
JMIC-I, Kalaya, Orakzai