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Case Title: Zulqarnain and one other VS State

Order...01

12.07.2023

Bail Petition submitted through counsel Mr. Syed Hamza Gillani Advocate. It be entered in the relevant register.

Notice be issued to the complainant/State to produce the relevant record on 13.07.2023.

Sami Ullah
Sami Ullah

Judicial Magistrate-I, HQ
Orakzai (at Baber Mela)

Order No.02

13.07.2023

SPP for the state, complainant in person and Counsel for accused/petitioners are present. Record received. Arguments heard and record perused.

Accused/petitioners namely Zulqarnain S/O Angoor Ali and Musadiq Ali S/O Meer Nabi both r/o Qoam Stori Khel, Tappa Und Khel, Tehsil Lower, District Orakzai are seeking their post arrest bail in case F.I.R No.25 Dated: 10.07.2023 U/S 506/337 A (i)/48/149 PPC, Police Station Kuriz Boya, District Orakzai.

Perusal of record would reveal that offences with which accused/petitioners are charged does not fall within the ambit of prohibitory clause of section 497 Cr.P.C. There is no criminal history of accused/petitioners as per available record. Accused/petitioners have not confessed their guilt before the court. Moreover, Participation of accused/petitioners in the commission of the offence and the alleged aerial firing is to be determined during trial, therefore, case of accused/petitioners falls within the ambit of case of further inquiry. Furthermore, the complainant in the instant case is the SHO concerned and resultantly it cannot be determent as to who among the charged accused were aggressors and who were agressed upon. Accused/petitioners are no more required to the local police for further investigation and no useful purpose would be served by keeping the accused/petitioners behind the bar. (Continued...)

Sami Ullah
Sami Ullah

Civil Judge/JM-I

Orakzai at (Babar Mela)

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Order No.02

Continued.

13.07.2023

Consequently, application in hand is allowed. Petitioners be released on bail subject to furnishing bail bonds in the sum of Rs. 80,000/- (eighty thousand) with two reliable sureties each in the like amount to the satisfaction of this court. Copy of this order be placed on police as well as judicial record. The requisitioned record be sent back to the quarter concerned forthwith, while files of this court be consigned to record room after necessary completion and compilation.

Announced:

13.07.2023

Sami Ullah
Sami Ullah
Civil Judge/JM-I,
Orakzai (at Baber Mela).