

*Counsel for the Accused/Petitioner Mr. Sana Ullah Khan Advocate
present.*

DPP for the state present.

Mr. Muhammad Umar for the complainant present.

Record received.

(1) **Accused/Petitioner Islam Gul S/O Socha Gul Caste: Ali Kheil R/O Tappa Jasrat Kheil, Tehsil Upper District Orakzai** has applied for the grant of **Post-Arrest Bail** in case FIR No. **05 Dated 23/01/2020 U/S 420/468/471 PPC Police Station Ghiljo, Upper Orakzai**. S.420 and S.471 PPC are bailable. While S.468 PPC *only* is Not-Bailable.

(2) Brief facts of the prosecution case are that the complainant has charged the Accused/Petitioner for intentionally in collusion with one *Malak Maib Ali Khan* had signed/verified (*Being authorized verifier as Malak in the Erst-While FATA*) the bogus Death certificate of Mst. Gul Jamala (Step-mother of Accused/Petitioner). Such Certificate is required for family Pension. By signing/verifying that bogus certificate of Mst. Gul Jamala she was deprived of her right to husband's Pension. Hence was booked in the present case.

(3) Arguments heard and record perused.

Continued.....

*Muhammad Imtiaz
C.A. Judge/JM-II
Orakzai (Deputy Meja)*

Or-----02Continued

30/01/2020

(4) The prosecution version that *Malak Maib Ali Khan* had signed/verified the bogus Death certificate of *Mst. Gul Jamala* in collusion and upon the advice of the present Accused/Petitioner requires further probe. That makes the case of present accused/petitioner of further enquiry as contemplated U/S 497 (2) Cr.P.C.

(5) The Perusal of record further reveals that although the accused/petitioner is directly charged in the FIR, yet the offences does not fall within the prohibitory clause of section 497 Cr.P.C. Grant of bail in such like case is a rule while refusal is an exception and there are no exceptional circumstances *for time being* exists which would render the present Accused/Petitioner not entitled for the bail.

(6) For the above reasons the application is hereby Allowed. Accused/petitioner be released on bail subject to furnishing of bail bonds to the tune of Rs. 100,000/- (one lac) with two local, reliable and resourceful sureties each in the like amount to the satisfaction of this court.

(7) Record be sent back forthwith to the corner concerned. A copy of this order shall be placed on Judicial as well as on Police file. File be consigned to record room after necessary completion.

Announced:

30/01/2020

Muhammad Imtiaz
Civil Judge, H. J. 2020
Orakzai (Baber Meta)
(M. Imtiaz)
Judicial Magistrate-II,
Orakzai