

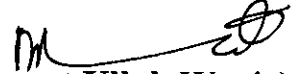
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Case Title: Waris Khan and two others VS State

Or.....01
21-03-2020

Bail Petition submitted through counsel. Be entered in the relevant register. Notice be issued to the State for record and to complainant for 24-03-2020


2. File ~~is to come up before~~ ^{be sent to} the concerned court/MOD on the date fixed.


(Rehmat Ullah Wazir)/MOD
Judicial Magistrate-I,
Orakzai (at Baber Mela)

Or.....02
24-03-2020

Petitioner through clerk of counsel present. inadvertently the instant bail petition was registered in the register of the undersigned though the police station concerned is the jurisdiction of the JM-II, Orakzai. Thus Moharrir of the court is directed to do the needful and send the bail petition to the court of JM-II by today.


Order-01
24.03.2020


(Rehmat Ullah Wazir)
Counsel for the accused/petitioners Mr. Shaheen Advocate present.
Complainant through DPP Umar Niaz for state present.
Record received. JM-I
Orakzai (at Baber Mela)

1. Case file received from the court of learned JM-I, Orakzai. It be entered in the relevant register.

2. Accused/petitioners 1. Waris Khan S/O Zaribat Khan, 2. Younas Khan S/O Zarmat Khan, 3. Arif Khan S/O Naif Khan all R/O Section Feroz Khel, Sub-section Qasim Khel, Sam Qasim Khel, Lower District Orakzai. seeks their post arrest bail in case FIR No. 14, Dated: 16.03.2020 U/S 506/148/149 PPC registered at Police Station Kalaya, District Orakzai.

3. Facts in brief as per the prosecution case are that the during the routine gasht of Police Officials, they received information that at Feroz Khel, District Orakzai, there is in exchange of firing on the construction


Counsel for the accused/petitioners
Orakzai (at Baber Mela)

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of certain shops. Police Officials rushed to the spot and later on booked the present Accused/petitioners in the instant case FIR for criminal intimidation and rioting.

4. Arguments heard and record perused.

5. Sec. 148 PPC is bailable. 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 have been brought forth by the complainant. Moreover, there is nothing on the record that the accused/petitioner are hardened, desperate criminal. There is no eye-witness to the occurrence available on the record. That makes the case of accused/petitioners of further inquiry.

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: 100,000/- (One lac) 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
24.03.2020

Muhammad Imtiaz
Civil Judge/JMSI
Orakzai (Babar Mela)
Muhammad Imtiaz
JM-II/MTMC
Orakzai