

Order No.03

15.07.2023

Clerk of counsel for accused/petitioner present. Complainant in person present, in this respect his signature is obtained on margin of order sheet. Record has already received on previous date which is placed on file. None for the state is present. Perusal of case reveals that none appeared before the court on behalf of the state on previous date too. Sufficient opportunity has been provided to the prosecution to argue the case and Naib Court was directed numerous times to inform the prosecution about arguments in the instant petition but they failed to do so till closing hours of the court. Hence, the absence of prosecution should not be hindrance in the disposal of the instant case. Arguments on behalf of petitioner heard and record perused.

Accused/petitioner namely Dil Faraz Khan s/o Muqadam Jan r/o Qoum Biland Khel, Tappa Masti Khel, Tehsil Upper, District Orakzai is seeking his post arrest bail in case F.I.R No.13 Dated:11.07.2023 U/S 15-AA, Police Station Ghiljo, District Orakzai.

Perusal of record would reveal that offence with which accused/petitioner is charged do not fall within the ambit of prohibitory clause of section 497 Cr.PC. In such like cases grant of bail is a rule and refusal is an exception. No extra ordinary circumstances are available on record for refusing bail of accused/petitioner. No FSL or arms expert report is placed on file. There is no criminal history of accused/petitioner as per available record. Accused/petitioner has not confessed his guilt before the court. Participation of accused/petitioner

(Continued...)

*Lamin Ullah*  
Sami Ullah  
Civil Judge/JM-I  
Orakzai, at (Babar Mela)

(Complainant) ASI روح الامين  
21604-1761622-7  
Rohat

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in the commission of the offence is to be determined during trial, therefore, case of accused/petitioner require further inquiry. Investigation has already been completed and accused/petitioner is no more required to the local police for further investigation and no useful purpose would be served by keeping the accused/petitioner behind the bar.

Consequently, application in hand is allowed. Petitioner be released on bail subject to furnishing bail bonds in the sum of Rs. 120,000/- (One lac twenty thousand rupees) with two 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:**

15.07.2023



**Sami Ullah**

Judicial magistrate-I, HQ  
Orakzai at Baber Mela.