

FORM "A"
FORM OF ORDER SHEET

IN THE COURT OF SYED ABBAS BUKHARI, CIVIL JUDGE/JUDICIAL MAGISTRATE/CJ-II, KALAYA ORAKZAI
Case Title: _____ Vs _____

Or-----03

01.08.2023

Dy. PP for state present. Petitioners through father present. Complainant absent despite proper service. Record received. Petitioners namely **1. Ghani, 2. Muhammad Umar both sons of Gulistan, 3. Ali Khan S/O Khial Bat Khan and 4. Awal Jan S/O Fazal Jan**; all residents of Qoum Ali Khel, Sher Khel, Alaf Khel, District Orakzai have applied for their post arrest bail in connection with Naqal Mad No. 08, Dated: 24.07.2023 U/S 506/34 PPC, registered in PS Daborri, U/Orakzai. Counsel for complainant submitted W/N which is placed on file. Learned counsel for accused/petitioners already heard while learned counsel for complainant heard today and learned Dy. PP for the State advanced arguments.

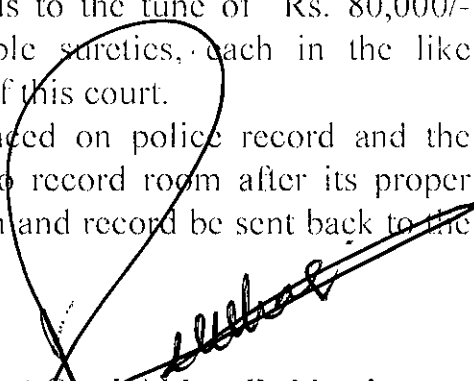
Perusal of the record and valuable assistance of counsels for the parties, this court is of the view that Section 506 PPC carries punishment in first part for imprisonment of two years while in second part it carries punishment of imprisonment for 07 years which does not fall within the prohibitory clause of section 497 Cr.P.C and in such like cases grant of bail is a rule while refusal is an exception. Furthermore, nothing has been recovered from the direct possession of the accused/petitioners. Moreover in cross case the accused, from the complainant party in the instant case, had already be released on bail for the same offence. Hence the present accused/petitioners are also entitled to be kept at the same footing. Local police also failed to comply with the mandatory provisions of section 103 Cr. PC, which make case of accused one of further inquiry.

For the above reasons, the accused are entitled to the concession of bail at this stage, hence, application in hand is hereby **accepted** and accused be released on bail subject to submission of bail bonds to the tune of Rs. 80,000/- with two local and reliable sureties, each in the like amount to the satisfaction of this court.

Copy of this order be placed on police record and the instant file be consigned to record room after its proper completion and compilation and record be sent back to the quarter concerned.

Announced

01.08.2023


Syed Abbas Bukhari,
Judicial Magistrate-II,
Tehsil Court Kalaya, Orakzai