

IN THE COURT OF JUDICIAL MAGISTRATE-I, KALAYA, ORAKZAI

Bail Petition64/4 of 2023.
Date of institution.....21.07.2023.
Date of decision.....22.07.2023

Mr. Asad Ijaz Advocate for accused/petitioners
Dy.PP for the state


Order.No.02
22.07.2023

Dy.PP for the state present. Learned counsel for accused/petitioners present. None present for complainant party despite service.

Counsel for accused/petitioners submitted application to the effect that sections 15-AA and 34 PPC are inadvertently not mentioned in the bail petition and requested for its insertion. Sections 15-AA and 34 PPC were added in the record with red ink on the acceptance of application.

Record received and arguments heard.


Accused/petitioners namely Muhammad Younas, Naseem Ullah and Rafi Ullah Ss/O Ameen Badshah are seeking their post arrest bail in case FIR No. 65, Dated: 21.06.2023 U/S 324, 337 A(i)/34 PPC and 15-AA, PS Kalaya, Orakzai.


ZAHIR KHAN
Civil Judge/JM
Kalaya Orakzai

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Although, accused/petitioners are directly and by name charged in cross version report recorded vide mad No. 10 dated 21.06.2023 and the punishment for the offence U/S 324 PPC falls within the ambit of prohibitory clause of Section 497 Cr. PC however, record shows that no empty has been recovered from the spot. No specific role has been attributed to the accused/petitioners. It is a case of ineffective firing. Nothing incriminating has been recovered from possession of the accused/petitioners or on their pointation. Furthermore, there is nothing on record which could show that accused/petitioners are previously convict or habitual, hardened, desperate or dangerous criminals. Participation of accused/petitioners in the commission of the offence is to be determined during trial. Co-accused namely Ali Mat Shah has already been released on bail on the basis of compromise with the complainant party vide order dated 27.06.2023. Investigation has already been completed and 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.

Consequently, application in hand is allowed. Petitioners be released on bail subject to furnishing bail bonds in the sum of Rs. 50,000/- (Fifty thousand) with two sureties each in the like amount


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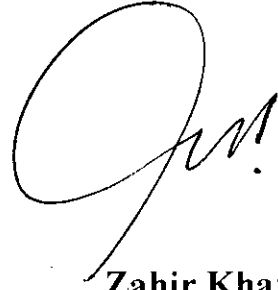
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to the satisfaction of this court. Copy of this order be placed on police as well as judicial record. Record be returned back to the quarter concerned.

File of this court be consigned to record room after necessary completion and compilation.

ANNOUNCED:

22.07.2023



Zahir Khan
JMIC-I, Tehsil Kalaya,
Orakzai