

Order...02

13.05.2020

*Counsel for the accused/petitioners Mr. Sanaullah Advocate present.*

*Complainant through APP Amir Shah for state present.*

*Record received.*

1. Accused/petitioners **Ghalib Shah S/O Sakhi Mat Shah, Zareef Khan S/O Sulaiman Khan, Zakha Khel S/O Gula Khan** all R/O Feroz Kheil, Tappa Qasim Khel, Tehsil Lower, District Orakzai charged in case FIR No. 32, dated: 21.04.2020 registered U/S 341-147-149-186-189-188 PPC at police station Kalaya, L/Orakzai.
2. Facts in brief as per the prosecution case are that approximately 300/350 people blocked the road over land dispute, Police Officials rushed to the spot and later on booked the present Accused/petitioners in the instant case FIR for criminal rioting, obstructing public servant in discharge of his public function and disobedience to in order lawfully promulgated by a public servant and threatening public servant with injury and inducement.

Arguments heard and record perused.

3. Sec. 341/147/149/186/189 PPC are bailable. While Section 188 PPC carries punishment of simple imprisonment for 01 month or fine or both 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 bring forth by the complainant. Moreover, there is nothing on the record that the accused/petitioner are hardened, desperate criminal. There is no *independent* eye-witness to the occurrence available on the record. That makes the case of accused/petitioners of further inquiry.

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4. 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.
5. Consequently, the bail petition in hand is allowed. Accused/petitioners are ordered to be released on bail subject to furnishing of bail bonds to the tune of Rs: 60,000/- (Sixty Thousand) 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.
6. File be consigned to record room after necessary completion.

**Announced**

13.05.2020

Muhammad  
Civil Judge  
Orakzai at (B) 13.05.2020  
Muhammad Imtiaz  
JM-II/MTMC, Orakzai