

3

1

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

Bail Petition 67/4 of 2023.

Date of institution.....24.07.2023.

Date of decision.....26.07.2023.


Mr. Sana Ullah Khan Advocate for accused/petitioners, None present for state and complainant.

Order.No.03
26.07.2023

None present for the state. Complainant also absent despite service. Counsel for accused/petitioners present.

Counsel for accused/petitioners submitted application to effect that inadvertently FIR number and date of registration of FIR are mentioned as 68 dated 02.07.2023 instead of FIR No. 65 dated 21.06.2023 in the bail petition. It is also requested that sections 337 F(iii) PPC and 15- AA are inadvertently not mentioned in the bail petition. Record shows that correct FIR number is 65 dated 21.06.2023 instead of 68 dated 02.07.2023. Sections 337 F(iii) PPC and 15-AA were later on added in the record, resultantly, application is allowed. Correction be made in bail petition with red ink accordingly.

Arguments of counsel for accused/petitioners already heard and record perused.


26/07/2023
ZAHIR KHAN
Civil Judge
Kalaya Orakzai

Accused/petitioners namely Noor Zali Shah S/O Lal Mat Khan and Khalid Nawaz S/O Noor Zali Shah both residents of Qaum Feroz Khel, Tappa Qeemat Khel, Tehsil Lower, District Orakzai are seeking their post arrest bail in Case FIR No.65 dated: 21.06.2023 U/S 324, 337 F(iii)/34 PPC and 15-AA, Police Station Kalaya, District Orakzai.

Although, accused/petitioners are directly and by name charged in the FIR 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 role of effective firing resulting into injury to the complainant has been attributed to co-accused Asif Nawaz who has already been released on bail on the basis of compromise vide order dated 27.06.2023. The present accused/petitioners are charged for beating the complainant with clubs but the injury sheet and medico legal report of the injured/complainant Zakir Ullah shows only one firearm entry wound at dorsum region of left foot and exist wound on left foot. There is no other wound on the person of the injured/complainant. No specific role has been attributed to the accused/petitioners. 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.



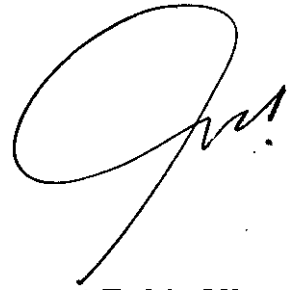
26/07/2023
ZAHIR KHAN
Civil Judge/JM
Kalaya Orakzai

Co-accused namely Ali Mat Shah with effective role 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 to the satisfaction of this court. Copy of this order be placed on police as well as judicial record. Requisitioned record be returned back to the quarter concerned.

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

ANNOUNCED:
26.07.2023



Zahir Khan
JMIC-I, Tehsil Kalaya,
Orakzai