

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

Bail Petition75/4 of 2023.

Date of institution.....24.08.2023.

Date of decision.....29.08.2023.


Mr. Sana Ullah Khan Advocate, counsel for accused/petitioner, Father of complainant (Fazal Malik), Dy.PP for the state

Order.No.03
29.08.2023

Dy.PP for the state present. Counsel for accused/petitioner present. Father of complainant present. Record received. On previous date, complainant Muhammad Ashfaq appeared before the court and opted not to engage private counsel. Arguments of counsel for accused/petitioner and Dy.PP for the state heard and record perused.

Accused/petitioner namely Raza Badshah S/O Sakhi Badshah R/O Qaum Mishti, Tappa Mamo Zai, Tehsil Lower, District Orakzai is seeking his post arrest bail in case FIR No.25 dated: 30.07.2023 U/S 324, 427/34 PPC, Police Station Mishti Mela, District Orakzai.

Record shows that although accused/petitioner is directly and by name nominated in the FIR and the punishment for the offence for which the accused/petitioner is charged falls within the ambit of prohibitory clause of Section 497 Cr. PC but it is a case of in effective firing and no specific role has been attributed to the accused/petitioner. There is conflict in the narration of FIR, site plan


29/08/2023

ZAHIR KHAN
Civil Judge/JM
Kalaya Orakzai

and pictures placed on file. It would be determined during trial that whether the alleged firing was made with intention to kill the complainant or just to criminally intimidate him. Furthermore, nothing incriminating has been recovered either from possession of the accused/petitioner or on his pointation. Accused/petitioner is behind the bar since 01.08.2023 and investigation has already been completed. 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. 80,000/- (Eighty 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. Record be returned back to the quarter concerned.

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

ANNOUNCED:

29.08.2023



Zahir Khan
JMIC-I, Tehsil Kalaya,
Orakzai