

IN THE COURT OF ASGHAR SHAH
SESSIONS JUDGE, ORAKZAI AT BABER MELA

Bail Application No : 111/4 of 2021
Date of Institution : 19.04.2021
Date of Decision : 22.04.2021

IRFAN ULLAH VS THE STATE

ORDER

DPP, Umar Niaz for State and Ihtisham Wahid Advocate for accused/petitioner present. Record already received. Complainant served through her mobile phone but she is absent. Arguments heard and record gone through.

2. Accused/petitioner, Irfan Ullah seeks his release on bail in case FIR No. 42, dated 29.03.2021 registered U/S 450/452/223/225 PPC at Police Station Kalaya Lower Orakzai, wherein he is charged for trespassing into the house of complainant with bad intention besides he resisted his arrest and attempted to escape from the lawful custody of the Police. The Judicial Magistrate-I, Orakzai vide order dated 19.04.2021 dismissed the bail petition of the accused/petitioner hence, the bail petition in hand.

3. From the arguments and record available on file, it reveals that the accused/petitioner was allegedly apprehended by the female folks of the

A. Ihtisham
22/4/21
ASGHAR SHAH
District & Sessions Judge,
Orakzai at Baber Mela

complainant when he trespassed into her house. However, the accused/petitioner is shown empty handed and no weapon was recovered from his possession. Moreover, the accused/petitioner received fire shots and received injuries on his body at the hands of one, Constable Amir Ullah when allegedly he attempted to escape. Moreover, at the most section 452/225 PPC is attracted, which offences at the most carries punishment up to 7 years and two years and as such would not attract the prohibitory clause of Section 497 Cr.P.C. Whereas, accused/petitioner, after his arrest, has gone through the process of investigation but neither he confessed his guilt nor anything incriminating recovered from his possession during the said period of investigation. No past criminal history either of involvement or conviction of the accused/petitioner was brought on record. As such further enquiry would be attracted to the case of accused/petitioner and his case is thus arguable for the purpose of bail.

4. Accordingly, for the reasons briefly mentioned above, bail petition in hand stand accepted and accused/petitioner is admitted to bail subject to furnishing bail bonds in the sum of Rs. 100,000/- with two sureties each in the like amount to the satisfaction of this court.

A. Raza
 1/27/04
 District & Sessions Judge,
 Orakzai District

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

Announced
22.04.2021



ASGHAR SHAH
Sessions Judge, Orakzai
at Baber Mela