

APP for the state present. Counsel for the accused/petitioner present. Complainant along with the counsel present. W/N submitted on behalf of complainant.

The petitioner/accused namely Habib-u-Rehman s/o Naseer Khan R/o Qoam Mishti, tapu Darwi Khel District Orakzai has applied for his post arrest bail in connection with case FIR No. 14 dated 08/06/2021 u/s 447/427/379/34 PPC registered in PS Mishti Mela Orakzai.

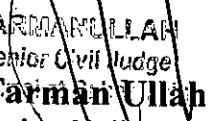
Arguments heard and file perused.

Perusal of the record reveals that though accused/petitioner along with the other co-accused are directly charged for cutting trees, causing damage to the vegetable and plants in the garden of complainant and also taking some trees from the garden yet the record shows that the occurrence is of night and the same occurrence has neither been seen by the complainant himself nor by any other witness. Similarly, complainant has not disclosed his source of information and satisfaction by charging the accused for the commission of offence. No recovery of stolen property has been affected from the possession of accused/petitioner. Accused/petitioner has neither confessed his guilt nor he is previous convicted. Similarly, the punishment provided for the offence also does not attract prohibitory clause of section 497 Cr.PC, hence grant of bail in such like cases is a rule while its refusal is an exception, however, no exceptional circumstances exist in instant case.

For above, accused is entitled to the concession of bail at this stage, hence, application in hand is accepted and accused/petitioner is released on bail subject to furnishing of bail bonds to the tune of Rs: 80,000/- with two local sureties each in the like amount to the satisfaction of the court.

Copy of this order be placed on police record and file be consigned to record room. Record requisitioned be sent to quarter concerned.

Announced
05.08.2021


FARMANULLAH
Senior Civil Judge
Farman Ullah
Senior Civil Judge,
Orakzai at Baber Mela.