

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

Bail Petition81/4 of 2023.

Date of institution.....08.09.2023.

Date of decision.....11.09.2023

Mr. Asad Ijaz Advocate counsel for accused/petitioner, Complainant
Ahmad Ali, Mr. Ibrar Muhammad Awan Advocate counsel for
complainant (cross version), Dy.PP for the state


Order.No.02
11.09.2023

Dy.PP for the state present. Learned counsel for accused/petitioner present. Complainant Ahmad Ali present. He opted not to engage private counsel. Mr. Ibrar Muhammad Awan counsel for complainant (cross version) submitted W/N.

Record received and arguments heard.

Accused/petitioner namely Atta-ul-Haq S/O Haji Marwat Khan is seeking his post arrest bail in case FIR No. 126, Dated: 31.12.2022 U/S 324, 148, 149 PPC and 15-AA, PS Kalaya, Orakzai.

Although, accused/petitioner is charged for offence U/S 324 PPC punishment of which falls within the ambit of prohibitory clause of Section 497 Cr. PC however, record shows that accused/petitioner is not directly charged in the FIR. No specific role has been attributed to the accused/petitioner. Source of



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ZAHIR KHAN
Civil Judge/JM
Kalaya Orakzai

information also not disclosed regarding the involvement of accused/petitioner in the commission of the offence. Nothing incriminating has been recovered from possession of the accused/petitioner or on his pointation. Co-accused have already been released on bail, therefore, accused/petitioner is entitled to the concession of bail on the basis rule of consistency. Investigation has already been completed and 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. 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.

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

ANNOUNCED:

11.09.2023



Zahir Khan
JMIC-I, Tehsil Kalaya,
Orakzai