

Order...01
09.10.2023

Present:

DY. PP for the state.

Petitioners through counsel.

Respondent absent.


Bail petition received from the Court of Worthy District and Sessions Judge, Orakzai. It be registered.

Perusal of the case file reveals that record has already been received previously and complainant has engaged his counsel on previous date.

Counsel for the petitioners and Dy.PP argued the instant petition.

Summons be issued to the respondent for 10.10.2023.

File be put up for arguments on the instant petition by the counsel of the respondent on the date already fixed.


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Judicial Magistrate-I,
Orakzai (at Baber Mela)

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DyPP for the state and Counsel for accused/petitioners are present. Record already received. Arguments from the counsel for petitioners and Learned DyPP already heard while argument from the counsel for respondent/complainant dispense with for the reason that complainant in the instant petition has marked his attendance previously and had engaged his counsel who has submitted wakalatnama in his favour but failed to argue the same on two counts. Moreover, notice was issued again to the respondent/complainant on previous date which was properly served as per record of DFC but the complainant remained absent today. In such eventuality, the instant bail petition cannot be kept pending for eternity, therefore, this court deem

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it appropriate to decide the instant bail petition in the light available record and arguments of the learned DyPP and counsel for the accused.

Accused/petitioners namely 1. Mehboob Shah alias Mehboob Khan S/O Syedan Shah, 2. Abdul Wali S/O Janat Khan alias Janat Gul, 3. Barkat Khan S/O Zarmoeen 4. Wreshmeen Gul alias Wrahmeen S/O Noor Badshah 5. Hanif Ur Rehman S/O Sawab Khan, 6. Said Zaman S/O Shandi Gul, 7. Wazir Muhammad S/O Sher Muhammad, 8. Shahzada S/O Sultan Asghar alias Asghar Khan, 9. Usman Gul S/O Khayal Zarin alias Gul Khayal, and 10. Ghani Badshah alias Abdul Ghani S/O Syedan Shah, all residents of Qoam Ali Khel, Village Goon Seri, Tehsil Upper, District Orakzai are seeking their post arrest bail in case F.I.R No.19 Dated:11.09.2023 U/S 379,427,430,147 and 149 PPC, Police Station Ghiljo, District Orakzai.

Perusal of record would reveal that offences with which accused/petitioners are charged does not fall within the ambit of prohibitory clause of section 497 Cr.P.C. There is considerable delay in lodging the report and FIR. No recovery has been affected from accused/Petitioners. Moreover, no source of information of the offence committed by the accused/petitioners has been disclosed in the report and FIR, which make the present case one of further inquiry. Furthermore, accused/petitioners have not confessed their guilt before the court. 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. 80,000/- (Eighty thousand only) with two reliable sureties each in the like amount to the satisfaction of this court. Copy of this order be placed

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Sami Ullah
Civil Judge/JM-I
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on police as well as judicial record. The requisitioned record be sent back to the quarters concerned forthwith, while file of this court be consigned to record room after necessary completion and compilation.

Announced:

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Sami Ullah
Judicial Magistrate-I,
Orakzai (at Baber Mela).