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Himat Khan Vs State

Order...02

09.01.2024 Present:

Sr.PP for the state.
Petitioner through clerk of counsel.
Complainant through representative.


Qismat Ali submitted authority letter on behalf of complainant which is also placed on file. Written arguments submitted on behalf of counsel for accused/petitioner gone through while argument from Learned Sr.PP is heard.

Accused/petitioner namely Himat Khan Resident of Qoam Misthi, Village Seronay, District Orakzai is seeking his post arrest bail in case FIR.No.55 Dated: 26.12.2023 u/s 420/468/471 PPC, PS Mishti Mela District Orakzai.

Perusal of record would reveal that offences for which accused/petitioner is 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. Moreover, there is nothing on record which connect the present accused with the commission of offence, and hence this fact make the present case one of further inquiry. Furthermore, accused/petitioner has not confessed his guilt before the court. 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 only) with two reliable 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. 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:
09.01.2024


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