

Order.05
16.06.2022

APP for the state present. Mr. Sana Ullah Khan adv. for accused/petitioners present. Complainant absent. Complainant has already recorded his statement wherein he has stated that he has affected compromise with accused/petitioners and has got no objection if accused/petitioners are released on bail. Record already received. Arguments heard and record perused.

Accused/petitioners namely Shafique S/O Dunya Gul R/O Kamar Khel, Khwaidad Khel, Baz Garhi, District Khyber and Zareen S/O Yousaf R/O Qoum Zakha Khel, Tappa Shoaib Khel, Village Miangan, District Khyber are seeking their post arrest bail in case FIR No. 19, Dated: 06.06.2022 U/S 457,380,411/34, PPC, PS Mishti Mela, Orakzai.

Record shows that accused/petitioners are charged for commission of theft of two cows of complainant. Although accused/petitioners are not directly charged in the FIR, however, the stolen cows have been recovered from their possession at the time of their arrest on 06.06.2022. The offence with which accused/petitioners are charged is heinous in nature and affects the society at large. Recovery of the stolen cows has been affected from the possession of the accused/petitioners. The punishment for the offence U/S 457 PPC falls within the ambit of prohibitory clause of Section 497 Cr. PC. Deeper appreciation of evidence is not permissible at bail stage and only



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ZAHIR KHAN
Civil Judge/JM
Kalaya Orakzai

tentative assessment thereof is to be made just to find out connection of accused with the commission of the offence. There is sufficient material available on record connecting the accused/petitioners with the commission of the offence.

As far as compromise with the complainant is concerned, the offences are non-compoundable. The offence with which accused/petitioners are charged affects the society at large. Release of accused/petitioners on the basis of compromise would be against public policy.

Resultantly, application in hand is dismissed. Copy of this order be placed on police as well as judicial record. The requisitioned record be returned back to the quarter concerned.

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

ANNOUNCED:
16.06.2022



Zahir Khan
Judicial Magistrate,
Tehsil Kalaya, Orakzai