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Case Title: Haleef Khan VS State

Order...01

23.02.2024

Bail Petition submitted through counsel Mr. Zahoor Ur Rehman Advocate. It be entered in the relevant register.

Notice be issued to the complainant and state and for production of relevant record on 24.02.2024.

Sami Ullah

Sami Ullah

Judicial Magistrate-I, HQ
Orakzai (at Baber Mela)

Order...02

24.02.2024

DyPP for the state, complainant in person alongwith counsel and Counsel for accused/petitioner are present. Record already received.

In respect of personal appearance of complainant namely Rehmat Ullah, his thumb impression is obtained on the margin of order sheet. Ihsan Ullah Advocate submitted wakatnama in favour of complainant which is placed on file.

Arguments heard and record perused.

Accused/petitioner namely Haleef Khan S/O Itibar Ali, resident of Chappar Mishti, Tehsil Central District Orakzai is seeking their post arrest bail in case F.I.R No.06 Dated:12.02.2024 U/S 504 /392 PPC, Police Station Kuriz Boya, District Orakzai.

Brief facts of the instant case are that the instant FIR was lodged against the accused on the order of court of competent jurisdiction under section 22-A Cr.P.C petition. The complainant version of story in the FIR is such that the accused has called the driver of the truck to the place of accused and there retained the key of the truck with himself with grave provocation to the driver. That the driver left the spot to safe himself.

Perusal of record would reveal that the accused is of old age about 66/67 years. That the accused as per record was unarmed and no

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Sami Ullah
Sami Ullah
Civil Judge/JM-I
Orakzai at (Babar Mela)

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Haleef Khan Vs State

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recovery to that extent has been affected from the accused. The truck in question was recovered from the place where it was last drove by the driver in the coal mine where the accused allegedly has snatched the key from the driver. The investigation in the instant case transpires that the complainant and accused party has some payment issues between themselves, which 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. 1,00,000/- (One Hundred 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:
24.02.2024


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