

Order.No. 02

25.11.2022

APP for the state present. Mr. Sana Ullah Khan adv. for accused/petitioner present. Complainant absent. Complainant has already recorded his statement wherein he has stated that he has affected compromise with accused/petitioner and has got no objection on release of the accused/petitioner on bail or subsequent acquittal. Arguments heard and record perused.

Accused/petitioner namely Hazrat Ullah S/O Gulab Khan, R/O Qaum Feroz Khel, Mishti Kalay is seeking his post arrest bail in case FIR No. 109, Dated: 25.10.2022 U/S 380, 511 PPC, PS Kalaya, Orakzai.

Although the offence with which accused/petitioner is charged are not compoundable, however, in plethora of judgments of the superior courts, it is held that the factum of compromise could be considered as a ground for grant of bail in the interest of justice and equity. When complainant is not willing to prosecute the accused any further, the court would not compel the parties to do so. On merits, the alleged occurrence took place on 14.08.2022 and F.I.R was registered on 15.10.2022. There is unexplained delay of about 33 days in lodging of F.I.R. There is no eye-witness to the occurrence.



25/11/2022  
ZAHIR KHAN  
Civil Judge/JM  
Kalaya Orakzai

Source of information regarding involvement of accused/petitioner in the commission of the offence has not been disclosed. There is no criminal history of accused/petitioner as per available record. More so, Accused/petitioner has not confessed his guilt before the court. Investigation has already been completed and accused/petitioner is no more required to the local police for investigation and no useful purpose would be served by keeping the accused/petitioner behind the bar.

Resultantly, application in hand is allowed. Petitioner be released on bail subject to furnishing bail bonds in the sum of Rs. 50,000/- 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. Record be sent back to the quarter concerned forthwith, while file of this court be consigned to record room after necessary completion and compilation.

**ANNOUNCED:**

**25.11.2022**



**Zahir Khan**

Judicial Magistrate-I,  
Tehsil Kalaya, Orakzai