


Order.No.01
26.07.2021

1

Fresh bail petition received. Be entered. APP for the state present. Accused produced in custody by ASI Muhammad Hanif and requested for 03-day physical custody of the accused. Complainant present. He stated that he has effected compromise with accused/petitioner and has pardoned the accused in the name of Almighty Allah, therefore, he has got no objection if accused/petitioner is released on bail or subsequently acquitted. Arguments heard and record gone through.

Complainant stated at the bar that he has effected compromise with accused/petitioner outside the court and has pardoned the accused in the name of Almighty Allah. He has got no objection if accused/petitioner is released on bail or subsequently acquitted. To this effect statement of complainant recorded wherein he reiterated the same contention. Statement is duly signed by complainant. Photocopy of his CNIC is Ex-PA.

Accused/petitioner namely Sabir Rehman S/O Fazal Janan is seeking his post arrest bail in case FIR No.67, Dated:06.07.2022 U/S 506, 504, 337-A(i) PPC, PS Kalaya,


26/07/022
ZAHIR KHAN Orakzai.
Civil Judge/JM
Kalaya Orakzai

Although offence under Section 506 PPC is non 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 as "you can take the horse till the water but you cannot make him drink".

Resultantly, application in hand is allowed. Application for physical custody of accused is turned down. Accused/petitioner be released on bail on sole ground of compromise 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:
26.07.2021



Zahir Khan
JMIC-I, Tehsil Kalaya,
Orakzai