

APP for the state present. Petitioner along with counsel present. Accused Saidbar Khan, who is on interim pre-arrest bail, present. He was given time to submit wakalatnama but he failed however, he was heard. Arguments of counsel for petitioner already heard. APP for the state supported the stance of petitioner. Record gone through.

Petitioner, namely Khan Muhammad S/O Abdullah R/O Quom Feroz Khel, Tappa Jaisal Khel, Tehsil Lower, District Orakzai is seeking return of pick-up bearing Registration No. J2830, Model 1989, Chassis No. LN1060049680, Engine No. 3L2011632 taken into possession by the local police in case FIR No.68 dated 16.07.2022 U/S 392/34 PPC, Police Station Kalaya.

Record reveals that car in question was taken into possession by the local police in the above cited case however, petitioner produced original registration book in respect of vehicle. Original was seen and returned. Accused namely Saidbar Khan who is on interim pre-arrest bail, was heard. He stated that he has sold the vehicle in question to one Muhammad Jameen who failed to pay the sale price, therefore, the vehicle be given to him on Superdari. He failed to produce any valid document regarding the ownership of vehicle. He is not the last possessor. A copy of sale deed/agreement dated 22.12.2021 is placed on file which shows that the vehicle in question was purchased by petitioner from Muhammad Jameen. Vehicle in question is parked in open space exposed to vagaries of weather. Detention of vehicle in question in police custody for indefinite period would also achieve no useful purpose.



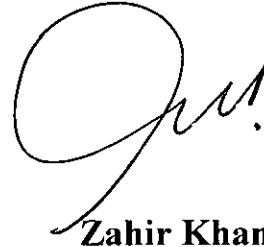
15/08/2022
ZAHIR KHAN
C.M.J. Judge/JM
Kalaya Orakzai

5

As petitioner produced original registration book regarding the vehicle in question and the same is no more required to the local police for investigation, resultantly, the application is accepted and it is directed that the vehicle in question be handed over to the petitioner, subject to surety bonds to the tune of Rs. 1,400,000/- with two sureties to the satisfaction of SHO Police Station concerned. Petitioner shall produce the same as and when required. Record be return back to the court of learned ASJ-I, Orakzai forthwith. Copy of the order be placed on file.

The instant file be consigned to record room after completion and compilation.

Announced
15.08.2022



Zahir Khan
Judicial Magistrate-I, Tehsil Kalaya,
District Orakzai