

Order.04
29.09.2022

APP for the state and counsel for accused/petitioners present. Complainant present. Counsel for complainant absent. Record already received.

Bail petition in hand was filed on 26.09.2022. Complainant filed wakalatnama in favour of Mr. Sanaullah Khan Advocate on 27.09.2022. Time was sought for arguments which was granted. On 28.09.2022, complainant and his counsel remained absent. Arguments of counsel for accused/petitioners and APP for the state heard today. Complainant was also heard. Record gone through.

Accused/petitioners namely 1. **Shams Ur Rehman S/O Rehman Gul**, 2. **Mast Ali Khel S/O Lal Man Shah**, 3. **Nabi Rehman S/O Khani Khel** 4. **Ayaz Khan S/O Khani Khel**, and 5. **Inayat Ali S/O Mina Gul** all R/O Qaum Bezote, Village Ublan, Tehsil Lower, District Orakzai are seeking their post arrest bail in Case FIR No.52 dated: 20.05.2022 U/S 506, 148, 149 PPC, Police Station Kalaya, District Orakzai.

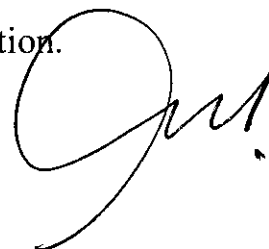
Perusal of record reveals that the alleged occurrence took place on 13.05.2022 and it was reported to the local police on 14.05.2022. FIR was registered on 20.05.2022. Per contents of FIR, report of complainant was reduced into writing in shape of Mad No. 05 dated 14.05.2022 and inquiry was initiated by the local police, however, there is nothing on record which could show that any permission was


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ZAHIR KHAN
Civil Judge/JM
Kalaya Orakzai

obtained for inquiry from the court. There is unexplained delay in lodging of report and registration of FIR. The offence with which accused/petitioners are charged does not fall within the ambit of prohibitory clause of Section 497 Cr.PC. In such like cases grant of bail is a rule and refusal is an exception. No extra ordinary circumstances exist to justify the departure from the said rule. Accused have not confessed their guilt before the court. Investigation has already been completed and accused/petitioners are no more required to the local police for further investigation and no useful purpose would be served by keeping the accused/petitioners behind the bar.

Consequently, application in hand is allowed. Petitioners be released on bail subject to furnishing bail bonds in the sum of Rs. 50,000/- (Fifty thousand) with two 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. File of this court be consigned to record room after necessary completion and compilation.

ANNOUNCED:
29.09.2022



Zahir Khan
JMJC-I, Kalaya, Orakzai