

Order No.3
17.10.2022

APP for the state present. Counsel for accused/petitioner present. Complainant absent despite service. Record already received. Arguments heard and case file perused.

Accused/petitioners namely Mir Salam S/O Watan Shah R/O Qaum Feroz Khel, Tehsil Lower, District Orakzai is seeking his post arrest bail in Case FIR No.94 dated: 03.10.2022 U/S 506, 504, 341/34 PPC, Police Station Kalaya, District Orakzai.

Perusal of record reveals that the alleged occurrence took place on 14.09.2022 at 13:30 hours and it was reported to the local police on 14.09.2022 at 16:30 hours. FIR was registered on 03.10.2022 at 13:20 hours. Per contents of FIR, report of complainant was reduced into writing in shape of Mad No. 13 dated 14.09.2022 and inquiry was initiated by the local police, however, there is nothing on record which could show that any permission what so ever was obtained for inquiry from the court. There is unexplained delay in lodging of report and registration of FIR. The offences U/S 504 and 341 PPC are bailable while offence U/S 506 PPC 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.

17/10/2022
MUBISHAN
Civil Judge
Kalaya Orakza

Accused 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 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. 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:
17.10.2022



Zahir Khan
JMIC-I, Kalaya, Orakzai