

**IN THE COURT OF ZAHIR KHAN, JUDICIAL MAGISTRATE -I**  
**TEHSIL KALAYA, DISTRICT ORAKZAI**

**Bail Petition ..... 26/4 of 2024.**

**Date of institution.....01.06.2024.**

**Date of decision.....05.06.2024.**

Mr. Asad Ijaz Advocate, counsel for accused/petitioner

**Order - 04**  
05.06.2024

Counsel for accused/petitioner present. Complainant absent despite service. Record already received. Written arguments on behalf of co-counsel for accused/petitioner placed on file. Oral arguments of Mr. Asad Ijaz Advocate heard and record perused.

Accused/petitioner namely Suliman Khan S/O Anab Khan R/O

Qaum Mishti, Orakzai is seeking his post arrest bail in case FIR No.55 dated: 26.12.2023 U/S 420, 468, 471 PPC, Police Station Mishti Mela, District Orakzai.

**ZAHIR KHAN**  
**Civil Judge, JM**  
**Kalaya Orakzai**

Perusal of record shows that the alleged occurrence took place in the year 2012-13 & 2017 while FIR was registered on 26.12.2023. In the year 2012-13 & 2017, Federal and Provincial Laws were not extended to the Erst-while FATA. Offences u/s 420 and 471 PPC are bailable while the punishment for offence u/s 468 PPC does not fall within the ambit of prohibitory clause of Section 497 Cr.P.C. In such like cases grant of bail is a rule and refusal an exception. No extraordinary circumstances exist to justify the departure from the said rule. Co-accused Himat Khan has already been released on post arrest bail by the court of learned JM-I, at Baber Mela

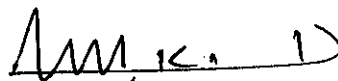
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05/06/2024

vide order dated 09.01.2024. Accused/petitioner is a young person and serving in the Pak Army. Per record, there is no criminal history of accused/petitioner. Nothing incriminating has been recovered from possession of accused/petitioner or on his pointation. 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.

Resultantly, application in hand is allowed. Accused/petitioner be released on bail subject to furnishing bail bonds in the sum of Rs. 50,000/- (Fifty thousand) 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:**

05.06.2024



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