

IN THE COURT OF ZAHIR KHAN, JUDICIAL MAGISTRATE -I
TEHSIL KALAYA, DISTRICT ORAKZAI**Bail Petition 28/4 of 2024.****Date of institution.....01.06.2024.****Date of decision.....03.06.2024.**

Mr. Abid Ali Advocate, counsel for accused/petitioner, Son
of complainant (Fazal Ameen) & APP for the state

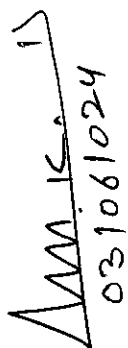
Order - 02
03.06.2024

APP for the state present. Learned counsel for accused/petitioners present. Complainant namely Wali Khan, absent despite service. Son of complainant namely Fazal Ameen who is also verifier of the report of the complainant, present. He stated that he does not want to engage private counsel and that he would rely on the arguments of public prosecutor. Record received. Arguments heard and record perused.

Accused/petitioners namely Khalid Mehmood and Haroon Rasheed Ss/O Waris Shah both R/O Qoum Utman Khel, Tappa Tooti Bagh, Tehsil Lower, District Orakzai are seeking their post arrest bail in case FIR No.33 dated: 13.05.2024 U/S 337-A(ii), 504/34 PPC, PS Kalaya, Orakzai.

Perusal of record shows that offences with which accused/petitioners are charged do 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. Per record, there is no criminal history of accused/petitioners. Similarly, there is nothing on record which could show that accused/petitioners are previously convicted or habitual, hardened,

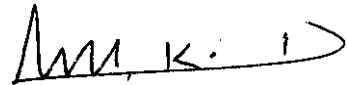
ZAHIR KHAN
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Kalaya Orakzai


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desperate or dangerous criminals. Nothing incriminating has been recovered from possession of accused/petitioners or on their pointation. 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.

Resultantly, application in hand is allowed. Accused/petitioners be released on bail subject to furnishing bail bonds in the sum of Rs. 80,000/- (Eighty 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:
03.06.2024



Zahir Khan
Judicial Magistrate-I,
Tehsil Kalaya, Orakzai