


IN THE COURT OF JUDICIAL MAGISTRATE-I, KALAYA, ORAKZAI

Bail Petition 44 /4 of 2024.
 Date of institution.....04.07.2024.
 Date of decision.....05.07.2024

Mr. Aziz Rehman Khattak Advocate, counsel for accused/petitioners,
APP for the state

Order.No.02
05.07.2024

ZAHIR KHAN
Civil Judge/JM
Kalaya Orakzai


 05/07/2024

APP for the state present. Counsel for accused/petitioners present. Attested W/N on behalf of accused/petitioners submitted. Junior/Assistant of Mr. Abid Ali Advocate present for complainant party. Record received. Counsel for accused/petitioners submitted application for correction of sections of law in bail petition as 506, 337-L(ii), 148, 149 PPC instead of 334, 337A(i), A(ii), 337-F(iii), 148, 149 PPC. Record shows that section 506, 337-L(ii), 148, 149 PPC are attributed to the present accused/petitioners per allegations leveled in mad No. 22 dated 15.04.2024. APP for the state conceded the application by marking no objection, resultantly, application is allowed. Correction be made in bail petition with red ink. Junior/Assistant of Mr. Abid Ali Advocate present and stated that he would rely on the arguments of public prosecutor. Arguments heard and record perused.

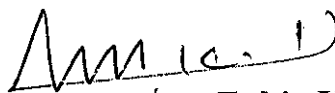
Accused/petitioners namely Said Farooq, Ameer Bat Khan, Aqal Wazir and Rehman Ullah are seeking their post arrest bail in FIR No. 26 (mad No. 22) dated: 15.04.2024 U/S 506, 337-L(ii), 148, 149 PPC, Police Station Mishti Mela, District Orakzai.

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Offence u/s 337-L(ii) PPC is bailable while punishment for 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 an exception. No extra ordinary circumstances exist to justify departure from the said rule. No empty has been recovered. Nothing incriminating has been recovered from possession of the accused or on their pointation. No specific role has been attributed to the accused/petitioners. 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. The requisitioned 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:
05.07.2024



Zahir Khan
JMIC-I, Tehsil Kalaya,
Orakzai