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FORM "A"
FORM OF ORDER SHEET

IN THE COURT OF MUHAMMAD JUNAID ALAM, CIVIL JUDGE/JUDICIAL MAGISTRATE-II, KALAYA ORAKZAI
Case Title: _____ Vs _____

Serial No of order or proceedings	Date of Order Proceedings	Order or other Proceedings with Signature of Judge or Magistrate and that of parties or counsel where necessary
1	2	3
Order-03	30.10.2024	<p>APP for the State present. Accused/petitioner through nephew present. Complainant in person present.</p> <p>Accused/petitioner namely Jan Muhammad Son of Mastan Shah, resident of Qom Mishti, Orakzai, presently Tandoori Chan, Shaho Khel, Tehsil Central District Orakzai, seeks his post arrest bail in case FIR No. 56, dated: 23.10.2024 under sections 379/34 Pakistan Panel Code registered at Police Station Mishti Mela, District Orakzai.</p> <p>Learned counsel for accused/petitioner had already submitted written arguments and learned APP for State advanced arguments.</p> <p>Brief facts of the case are that the complainant previously lodged instant FIR against the present accused/petitioner alongwith co-accused for cutting sufaida trees with saw while some of the cut trees were sold to Mahajir people.</p> <p>Perusal of the available record would transpire that accused/petitioner has directly been charged in the instant case by the complainant. The occurrence took place at day light. The case property has been recovered. Which shows direct connection of the accused with the offence. Furthermore, not falling of offence within the prohibitory clause of section 497 Cr.P.C, does not entitle the accused to the concession of bail rather every case has its own facts and circumstances. In present case no exceptional circumstances exist, which may entitle the accused to the concession of bail.</p> <p>It is pertinent to mention here that the property from which the trees have been cut and removed had been decreed in</p>


MUHAMMAD JUNAID ALAM
Civil Judge / JM-II
Orakzai at Kalaya

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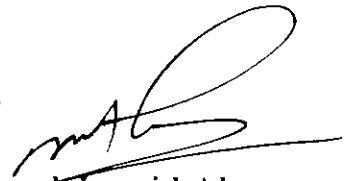
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favor of the complainant by all the courts i.e. from trial court to High court. Facts in circumstances shows that the trees have been cut by the accused to satisfy his annoyance and irritation against the complainant with regard to the civil cases.

In light of above discussion, instant bail petition is hereby **dismissed**. Record be sent back forthwith to the concern police station.

File be consigned to record room after necessary completion.

Announced
30.10.2024



Muhammad Junaid Alam,
Judicial Magistrate-II,
Tehsil Courts Kalaya, Orakzai