

IN THE COURT OF IJAZ MAHSOOD SENIOR CIVIL JUDGE/JM, ORAKZAI.

Bail Petition13/BA of 2025.
Date of institution.....13.01.2025.
Date of decision.....14.01.2025.

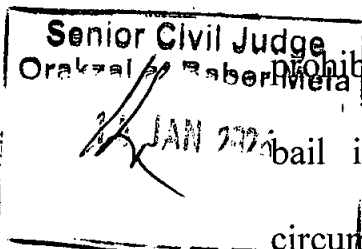
Order.02
14.01.2025

Dy.PP for the state present. Son of complainant namely Haji Rehman present. Counsel for accused/petitioner present. Record received. Son of complainant was directed to submit W/N but till 02:30 pm neither he submitted W/N nor engaged private counsel.

Arguments heard and record gone through.

Accused/petitioner namely Shan Zeb Khan S/O Yaqoob Khan R/O Qaum Mishti, Tappa Darway Khel, Tehsil Central, District Orakzai is seeking his post arrest bail in case FIR No. 19, Dated: 19.06.2023 U/S 452, 354, 427, 504/34 PPC, PS Mishti Mela, Orakzai.

Perusal of record reveals that offences with which accused/petitioner is charged do 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 are available on record which could justify departure

from the said rule. There is no criminal history of accused/petitioner as per available record. Accused has not confessed his guilt before the court. Participation of accused/petitioner in the commission of the offence is to be determined during trial, therefore, case of

(4)

2

accused/petitioner requires further inquiry. Furthermore, co-accused Yaqoob Khan S/O Azam Khan has already been released on post arrest bail by the court of Civil Judge/JM-I, Tehsil Courts Kalaya vide order dated: 29.03.2024, therefore, accused/petitioner is also entitled to concession of bail on the basis of rule of consistency. 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. Petitioner be released on bail subject to furnishing bail bonds in the sum of Rs. 50,000/- 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:
14.01.2025



Ijaz Mahsood
SCJ/JM,
Orakzai at Baber Mela