

(b3)

COURT OF SENIOR CIVIL JUDGE/JM, ORAKZAI AT BABER MELA

Case Title: Muhammad Javid vs State

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 No. 03	15.01.2025	<p>Dy.PP for the state present. Learned counsel for accused/petitioners present. Complainant along with counsel present. Record received. Arguments heard and record gone through.</p> <p>Accused/petitioners namely Muhammad Javid S/O Muhammad Zahid, Abdullah S/O Muhammad Zahid and Hamid Ullah S/O Fazal Subhan all R/O Qaum Stori Khel, Anjani, Tehsil Lower, District Orakzai are seeking their post arrest bail in case FIR No. 121, Dated:24.12.2024 U/S 336, 342, 337 L(ii)/ 34 PPC, PS Kalaya, Orakzai.</p> <p>Defendants have been charged with commission of offences under the sections highlighted above. Complainant namely Shams-ur-Rehman alleges that he is the victim in the incident and that he received injuries from the defendants in an unprovoked aggression by the latter. Furthermore, counsel for accused/petitioners produced copy of counter FIR No. 88 dated: 28.08.2024 PS Kalaya lodged against the present complainant namely Shams-ur-Rehman by the brother of accused Muhammad Javid. The motive behind the occurrence is dispute over the landed property.</p> <p>Content of the FIR and medical reports available on file does not indicate impairment of body part or organ. Medical reports available on file report the injuries of simple and moderate gravity. Seemingly, section 336 is not attracted to the matter. Of the remaining sections, 337 L(2) holds punishment of less than 07 years. 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. As highlighted above, both sides are currently</p>

Senior Civil Judge
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15 JAN 2025

(04)

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embroiled in disputes which invest both sides with motives for both aggression and prosecution. Which side is guilty of wrong or otherwise can only be determined after trial on merits. The case of accused/petitioners is one of further inquiry at this stage.

Law, by default, sides with bail rather than jail. Only when the commission of crime is sufficiently probable, and the nature and gravity of the alleged offence makes the accused persons a flight risk or threat to the community, is bail to be withheld.

Resultantly, application in hand is allowed. Petitioners be released on bail subject to furnishing bail bonds in the sum of Rs. 70,000/- 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:
15.01.2025


Ijaz Mahsood
Senior Civil Judge/JM,
Orakzai (at Baber Mela)