

IN THE COURT OF ASGHAR SHAH SESSIONS
JUDGE, ORAKZAI AT BABER MELA

Bail Application No : 37/4 of 2020
Date of Institution : 15.05.2020
Date of Decision : 16.05.2020


MUHAMMAD SHAMIM VS THE STATE

ORDER

DPP, Umar Niaz for State and Sana Ullah Khan Advocate for accused/petitioner present. Complainant served but absent. Arguments heard and record gone through.

2. Accused/petitioner, Muhammad Shamim seeks his release on bail in case FIR No. 14, dated 13.04.2020 registered U/S 379/411/34 PPC at Police Station Lower Orakzai Kalaya, wherein he is charged for theft of cattle of the complainant.

3. From the arguments and record available on file, it reveals that no doubt the accused/petitioner has confessed his guilt before the court Judicial Magistrate Orakzai as well as the stolen cattle have been recovered from the possession of one, Latif Khan but the fact cannot be denied that the offence carries punishment only for three years which do not fall within the ambit of the prohibitory clause of Section 497 Cr.P.C and the grant of bail in such like cases is a rule while refusal is an exception.


ASGHAR SHAH
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Orakzai at Hangu
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No previous criminal record of the accused is available on the case file. The facts alleged in the FIR are yet to be proved during the trial. Therefore, till the conclusion of trial accused/petitioner cannot be restrained behind the bar especially in the back ground of Covid-19 and coming Eid ul Fitr.

4. Thus, in the light of above, bail application in hand stand accepted and accused petitioner is ordered to be released on bail subject to furnishing bail bonds in sum of Rs. 50,000/- with two sureties each, each in the like amount to the satisfaction of this court.

5. File be consigned to Sessions Record Room for after further necessary compilation and completion.

Announced
16.05.2020


ASGHAR SHAH
Sessions Judge, Orakzai
at Baber Mela
16/05/20.