

**Or-----03**

02-07-2019

Counsel for the accused/petitioners Mr. Sana Ullah Khan Advocate present. APP Mr. Amir Shah advocate for state also present.

Record received. Accused/petitioners Ilyas Khan s/o Riaz Ali, Haider Ghulam (Alias Tor Malik) s/o Ali Ghulam and Atlas Khan s/o Tawal Khan all residents of lower Orakzai seeks their post arrest bail in case FIR No. 02, Dated: 21/05/2019 U/S 506/148/149 PPC registered at Police Station Kalaya, District Orakzai.

Facts in brief as per the prosecution case are that accused/petitioners, along with other co-accused in two groups, made firing at one another in order to criminally intimidate each other. The motive behind occurrence is stated to be some dispute over land.

*Continued .....*

**Order-03**  
**Continued**  
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Arguments heard and record perused.

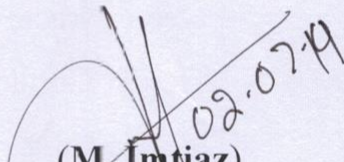
Perusal of the record available on file reveals that reveals that accused/petitioners are not directly charged in the FIR, there is no Eye witness of occurrence, which makes the instant case of further inquiry.

Moreover, Section 506 PPC carries punishment in first part for imprisonment of two years while in second part it carries punishment of imprisonment for 07 years which does not fall within the prohibitory clause of section 497 Cr.P.C and in such like cases grant of bail is a rule while refusal is an exception. Moreover, there is nothing on the record that the accused/petitioner is hardened, desperate criminal or previously convicted.

The investigation in the instant case is complete and no better purpose will be served if the accused/petitioner <sup>is</sup> kept in jail in the existence of above mentioned circumstances.

Consequently, the bail petition in hand is allowed. Accused/petitioners is ordered to be released on bail; *if not required in any other case*, subject to furnishing of bail bonds to the tune of Rs: 50000/- with two local, reliable and resourceful sureties each in the like amount to the satisfaction of this court. Record be sent back forthwith to the concern police station. File be consigned to record room after necessary completion.

**Announced**  
**02/07/2019**

  
**(M. Imtiaz)**  
Civil Judge/Judicial Magistrate-II,  
Orakzai