

Or-----02
01-07-2019

Mr. Abid Ali advocate for the petitioner present.

Mr. Jabir Hussain Shah advocate for complainant present.

Mr. Amir Shah advocate APP for the state present.

Although case is fixed for 02-07-2019 but complainant through counsel appeared before the court and record was requisite last week for remaining accused bail petitioner which is still with the official concerned and produced before the court.

Accused/petitioner Raza Ali s/o Aain Ali residents of lower Orakzai seeks their post arrest bail in case FIR No. 16, Dated: 19/06/2019 U/S 506/34 PPC registered at Police Station Kalaya, District Orakzai.

Facts in brief as per the prosecution case are that the complainant Mr. Bashar Ali s/o Jang Ali through his application to SHO had charged the accused /petitioner for criminally intimidation. So the complainant charged the accused/petitioner in the present case.

Arguments heard and record perused.

Perusal of the record available on file reveals that in his application,

the complainant has alleged the accused/petitioner criminally intimidated him. Today counsel for the complainant Mr. Jabir Hussain Shah advocate also submitted no objection on the grant of bail^{to} accused/petitioner.

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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 is kept in jail in the existence of above mentioned circumstances.

Consequently, the bail petition in hand is allowed. Accused/petitioner 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.

01.07.19
(M. Imtiaz)
Civil Judge/Judicial Magistrate-II,
Orakzai