

1. Mr. Sana Ullah advocate for the petitioner present.
2. DPP for the state present. Mr. Abid Ali advocate for the complainant present. Record received.
3. Accused/petitioner Qismat Khan S/O Noorab Khan R/O Lower Orakzai has applied for the grant of post-arrest bail in case FIR No. 17 dated 24/06/2019 U/S 379/427 PPC registered at P.S Kalya L/Orakzai.
4. Facts in brief as per the FIR are that the complainant has charged the present accused along with others for stealing of 27 trees from his land, situated in Mishti L/Orakzai. Initially the Police did not accept the version of complainant and refused to register FIR; However, upon the directions of Justice of Peace The FIR was registered.
5. Arguments of the learned counsel for the accused/petitioner, complainant counsel and DPP for the state heard and record perused.

Continued.....

Muhammad Imtiaz
Civil Judge/JM-II
Orakzai at (Babar-Mela)
13-07-19

Or-----05
Continued
13-07-2019

13

6. Record reveals that though the accused/petitioner is not directly charged in the FIR. There is no direct Eye-Witnesses and it is also not clear that from whose possession trees were recovered. That makes the case one of further inquiry.

7. Section 427 PPC is bailable and section 379 PPC although non-bailable but the offence does not fall within the restrictive clause of section 497 Cr.P.C. Investigation in the case is complete and no better purpose would be served by keeping the accused/petitioner behind the bar.

8. Resultantly the bail petition is allowed and accused/petitioner be released on bail subject to furnishing bail bonds to the tune of Rs. 80,000/- (Eighty Thousand) with two local reliable and resourceful sureties each in the like amount to the satisfaction of this court. Record be returned. Copy of this order shall be placed on judicial as well as police file. File be consigned to record room after necessary completion.

Announced:
13/07/2019

Muhammad Imtiaz
Civil Judge/JM-II
Orakzai
13.07.19
(M. Imtiaz)
Civil Judge/Judicial Magistrate-II,
Orakzai