

Or-----03
10-08-2019

- 1) Mr. Sana Ullah advocate for the petitioner present. APP Mr. Zohaib Ahmed Sher for the state present. Complainant absent, despite proper service.
- 2) Record received. Accused/petitioner Mr. Jalil Khan S/O Ghani Akbar R/O Orakzai seeks their post arrest bail in case FIR No. 19, Dated: 02/07/2019 U/S 506 PPC registered at Police Station Kalaya, District Lower Orakzai.
- 3) Facts in brief as per the prosecution case are that accused/petitioner, was booked in the instant case stating that accused petitioner along with two others, armed tried to snatch vehicle and cash amount from the complainant and waved weapons in order to criminally intimidate him.
 - a. Arguments heard and record perused.
- 4) During the course of arguments learned APP for the state stated that accused/petitioner was absconder. And learned counsel for the accused/petitioner submitted that another Co-accused Mr. Ali Akbar charged for the same offence in the same FIR is already on bail and seeking benefit of "Rule of Consistency".
- 5) Perusal of the record on file available coupled with arguments of the counsel reveals that accused/petitioner is although directly charged in the FIR, but there is no eye witness of occurrence which makes the instant case of further inquiry.
- 6) 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.
- 7) 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.
- 8) 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.

Announced
10/08/2019

Muhammad Imtiaz,
Civil Judge/JM-II
Orakzai & (Bahar Maid)

(M. Imtiaz)

Civil Judge/Judicial Magistrate-II,
Orakzai