

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

Bail Application No : 54/4 of 2020
Date of Institution : 14.07.2020
Date of Decision : 16.07.2020

MUHAMMAD ASIF VS THE STATE

ORDER

DPP, Umar Niaz for State and Sana Ullah Khan Advocate for accused/petitioner. Record received. Complainant served through his mobile phone but despite repeated calls he is absent. Arguments heard and record gone through.

2. Accused/petitioner, Muhammad Asif seeks his release on bail in case FIR No. 80, dated 09.07.2020 registered U/S 337-A(i)/337-F(i)/506/186 PPC at Police Station Lower Orakzai Kalaya, wherein he is charged for beating the doctor/complainant with kicks and fists besides extended life threats to him for the motive of restraining the accused/petitioner from entering the female emergency room.

3. From the arguments and record available on file, it reveals that there is one day unexplained delay in lodging the report besides there was no previous ill will between the parties and the alleged occurrence has taken place at the spur of moment during the exchange of hot words as such the pre-intention of the accused for commission of the offence is missing in the instant

16.7.20
Sana Ullah Khan

case. The absence of previous conviction/involvement, confession and independent witnesses would attract further inquiry to the accused/petitioner. Moreover, section 337-A (i), 337-F (i), 186 PPC are bailable whereas alleged threats extended were threats simpliciter as such part 1st of section 506 PPC would be attracted which is also bailable and accused/petitioner is entitled for the concession of bail in bailable offences as matter of right.

4. Hence, in the light of above, the bail petition in hand stand accepted and accused/petitioner is admitted to bail in sum of rupees 50,000 with two sureties, 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
16.07.2020



ASGHAR SHAH
Sessions Judge, Orakzai
at Baber Mela
16.7.20