

Or.....03
07.12.2020

APP for the state present. Counsel for accused/petitioners have already argued petition on the previous date. The counsel for the complainant is not available.

Accused/petitioners 1. Eid Asghar s/o Eid Akbar, 2. Muhammad Shah s/o Maeen Shah, 3. Yaaran Shah s/o Mardan Shah, 4. Usman Badshah s/o Rahim Badshah, 5. Jannat Shah s/o Said Ghaffoor, 6. Khyal Muhammad s/o Khan Muhammad and 7. Itbar Khan s/o Noor Jamal all R/O Section Ali Khel, Ghutak, Upper Orakzai, seek their post arrest bail in case FIR No. 51, Dated: 16.10.2020 U/S 342/506/447/427/148/149 PPC registered at Police Station Ghiljo, Upper Orakzai.

Arguments heard and record perused.


After hearing of arguments and perusal of the record I am of the opinion that most of the sections of law levelled against the accused/petitioners are bailable while the non bailable section levelled against the accused/petitioners is only section 506 PPC but the same 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.

And no such exceptions have been brought forth by the complainant. Moreover, there is nothing on the record that the accused/petitioner are hardened, desperate criminal. The investigation in the instant case is complete and no better purpose will be served if the accused/petitioners are kept in jail in the existence of above-mentioned circumstances.

Consequently, the bail petition in hand is allowed. Accused/petitioners are ordered to be released on bail subject to furnishing of bail bonds to the tune of Rs. 50,000/- (Fifty Thousand) 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
07.12.2020


(Rehmat Ullah Wazir)
Judicial Magistrate-I,
Orakzai (at Baber Mela)