

COURT OF SENIOR CIVIL JUDGE/JM, ORAKZAI AT BABER MELA

Case Title: Mewa Khan etc Vs State

Serial No of order or proceedings	Date of Order Proceedings	Order or other Proceedings with Signature of Judge or Magistrate and that of parties or counsel where necessary
1	2	3
Order No. 02	20.03.2025	<p>DPP for the state present. Learned counsel for accused/petitioners present. Complainant present. Record received. Arguments heard and record gone through.</p> <p>Accused/petitioners namely Mewa Khan S/O Noor Asghar, Tabib Jan S/O Lal Bar, Yousaf Khan S/O Nooran Gul and Aman Ullah S/O Jan Akbar are seeking their post arrest bail in case FIR No. 30, Dated:12.11.2024 U/S 506, 427, 447, 148, 149 PPC, PS Ghiljo, Orakzai.</p> <p>Perusal of record reveals that offences with which accused/petitioners are charged do not fall within the ambit of prohibitory clause of Section 497 Cr.PC. In such like cases grant of bail is a rule and refusal is an exception. No extra ordinary circumstances are available on record which could justify departure from the said rule. Recovery has not been effected from possession of accused. Accused have not confessed their guilt before the court. Participation of accused/petitioners in the commission of the offence is to be determined during trial, therefore, case of accused/petitioners requires further inquiry. Investigation has already been completed and accused/petitioners are no more required to the local police for further investigation and no useful purpose would be served by keeping the accused/petitioners behind the bar.</p>

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Case Title: Muhammad Khan etc Vs State

Law, by default, sides with bail rather than jail. Only when the commission of crime is sufficiently probable, and the nature and gravity of the alleged offence makes the accused persons a flight risk or threat to the community, is bail to be withheld.

Resultantly, application in hand is allowed. Petitioner be released on bail subject to furnishing bail bonds in the sum of Rs. 70,000/- with two reliable sureties each in the like amount to the satisfaction of this court. Copy of this order be placed on police as well as judicial record. Record be sent back to the quarter concerned forthwith, while file of this court be consigned to record room after necessary completion and compilation.

ANNOUNCED:
20.03.2025


Ijaz Mahsood
Senior Civil Judge/JM,
Orakzai (at Baber Mela)