

IN THE COURT OF JUDICIAL MAGISTRATE-II, KALAYA, ORAKZAI

Bail Petition9/4 of 2025.

Date of institution.....08.04.2025.

Date of decision.....10.04.2025.

Order.No.03**10.04.2025**

None present for the state. Complainant Muhammad Tahir present. Record received. Written arguments of counsel for accused/petitioners received, which is place of file. Complainant stated that he has affected compromise with accused/petitioners and has pardoned the accused in the name of Almighty Allah, therefore, he has got no objection if accused/petitioners are released on bail.

Complainant stated at the bar that he has affected compromise with accused/petitioners outside the court and has pardoned the accused in the name of Almighty Allah. He has got no objection if accused/petitioners are released on bail. To this effect statement of complainant recorded wherein he reiterated the same contention. Statement is duly signed and thumb impressed by complainant.

Accused/petitioners namely Jamshed Khan S/O Paldar Khan, Luqman S/O Maseet Khan and Rajid S/O Paldar Khan all R/O Qaum Uthman Khel, District Orakzai are seeking their post arrest bail in case FIR No. 28, Dated: 29.03.2025 U/S 337A(i), 337F(i), 354,506,148, 149 PPC, PS Kalaya, Orakzai.



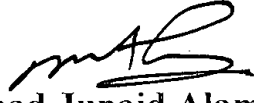
MUHAMMAD JUNAID ALAM
Civil Judge / JM-II
Orakzai at Kalaya

Although offence under Section 506 PPC is non compoundable, however, in plethora of judgments of the superior courts, it is held that the factum of compromise could be considered as a ground for grant of bail in the interest of justice and equity. When complainant is not willing to prosecute the accused any further, the court would not compel the parties to do so as “you can take the horse till the water but you cannot make him drink”.

Resultantly, application in hand is allowed. Accused/petitioners be released on bail on sole ground of compromise subject to furnishing bail bonds in the sum of Rs. 80,000/- 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:

10.04.2025


Muhammad Junaid Alam
JMJC-II, Tehsil Court Kalaya,
Orakzai

CS


Statement of complainant namely Muhammad Tahir S/O Ningrar
Khan R/O Qoum Othman Khel, Tappa Branka Khel, Tehsil Lower,
District Orakzai.

Stated on oath that I am the complainant of case F.I.R No. 28
Dated: 29.03.2025 U/S 337A(i), 337F(i), 506,354,148,149 PPC PS
Kalaya, District Orakzai. Now with the intervention of elders of the
locality, the matter has been patched up with the
accused/petitioners and I request that on the acceptance of
compromise, accused/petitioners be released on bail. The
compromise is without any pressure and coercion.

RO / AC
10.04.2025

Muhammad Tahir
21603-0119239-5




Muhammad Junaaid Alam
JMII-II, Tehsil Kalaya, Orakzai.