

Order - 0327.07.2025

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None present for the state. Learned counsel for accused/petitioners present. Record received. Arguments on behalf of counsel for accused/petitioners heard and record perused.

Accused/petitioner namely Wali Ullah S/O Khana Jan residents of Qoum Feroz, District Orakzai is seeking his post arrest bail in case FIR No.108 dated:12.09.2025 U/S 279,322 PPC, PS Kalaya, Orakzai.

1. Although the offences under Sections 279 & 322 PPC technically do not fall within the prohibitory clause, yet the settled principle of law is that every case is to be decided on its own facts and circumstances. The death of an innocent person has been directly attributed to the negligent act of the petitioner. The allegations, if proved, carry serious consequences. Grant of bail in such circumstances may amount to showing undue leniency, which is not warranted at this stage of the proceedings.

2. Bail is a discretionary relief. The discretion cannot be exercised in favour of the accused when the record prima facie connects him with the commission of the offence and the circumstances of the case demand a cautious approach.


3. Material collected during investigation reflect that the petitioner was driving in a rash and negligent manner and struck the victim, resulting in his death. At this stage, there appears sufficient material connecting the petitioner with the commission of the alleged offences.

  
MUHAMMAD JUNAID ALAM  
Civil Judge / J-11  
Orakzai at Kalaya

4. In view of the above discussion, I find no merit in the instant bail petition. The same is hereby **dismissed**.

File be consigned to record room after its necessary completion and compilation.

**ANNOUNCED:**  
25.09.2025

  
**Muhammad Junaid Alam**  
Judicial Magistrate-II,  
Tehsil Courts, Kalaya, Orakzai