03

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

Bail Petition .....36/4 of 2023.

Date of institution.....03.05.2023

Date of decision.....05.05.2023.

Asfandyar Khan brother of accused/petitioner. Abdul Qadeem father of complainant.

Order.03
05.05.2023

Brother of accused/petitioner namely Asfandyar and father of complainant namely Abdul Qadeem present. Complainant Asad Ullah is behind the bar. He was also noticed through Superintendent Sub-Jail Orakzai at Baber Mela. Notice along with report received and placed on file. Father of complainant stated that he has got no objection on disposal of bail application of accused/petitioner Shehzad Khan and to this effect his statement was separately recorded which is duly signed by him. Record already received. Arguments of counsel for accused/petitioner and APP for the state already heard and record gone through.

Accused/petitioner namely Shehzad Khan S/O Hashim Khan R/O Qaum Sultan Zai, Tehsil Lower, District Orakzai is seeking his post arrest bail in case FIR No. 47 dated: 01.05.2023 U/S 506,148,149 PPC, Police Station Kalaya, District Orakzai.

Perusal of record reveals that offences with which accused/petitioner is charged do not fall within the ambit of prohibitory clause of Section 497 Cr.PC. In such like cases grant

05/05/2023

ZAHIR KHAN
Civil Judge/JM
Kalaya Orakzai

of bail is a rule and refusal an exception. No extra ordinary circumstances are available on record for refusing bail of accused/petitioner. There is no criminal history of accused/petitioner as per available record. No empty has been recovered from the spot. Weapon of offence has not been recovered despite 01 day physical custody of the accused/petitioner. Investigation has already been completed and accused/petitioner is no more required to the local police for further investigation and no useful purpose would be served by keeping the accused/petitioner behind the bar.

Resultantly, application in hand is allowed. Petitioner be released on bail subject to furnishing bail bonds in the sum of Rs. 50,000/- 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:
05.05.2023

Zahir Khan
JMIC-I, Tehsil Kalaya,
Orakzai