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

Bail Petition .....37/4 of 2023.

Date of institution.....05.05.2023

Date of decision.....05.05.2023.

Asfandyar Khan brother of complainant. Abdul Qadeem father/uncle of accused/petitioners.

Order.01
05.05.2023

Fresh bail petition received. Be entered. Brother of complainant namely Asfandyar Khan and father/uncle of accused/petitioners namely Abdul Qadeem present. Brother of complainant stated that he has got no objection on disposal of bail application of accused/petitioners Pervez Alam etc and to this effect his statement was separately recorded which is duly signed by him. Record already received and gone through.

Accused/petitioners namely Pervez Alam and Imran Khan Ss/O Jan Muhammad, Adil Nawaz S/O Shahnawaz and Asad Ullah S/O Abdul Qadeem all R/O Khan Mela, Tehsil Lower, District Orakzai are seeking their post arrest bail in case FIR No. 47 dated: 01.05.2023 U/S 506,148,149 PPC, Police Station Kalaya, District Orakzai.

05/05/2023
ZAHIR KHAN
Civil Judge/JM
Kalaya Orakzai

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 an exception. No extra ordinary circumstances are available on record for refusing bail of accused/petitioners. There is no criminal history of accused/petitioners as per available record. No empty has been recovered from the spot. Weapon of offence has not been recovered despite 01 day each physical custody of the accused/petitioners. 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.

Resultantly, application in hand is allowed. Petitioners 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