

ORDER SHEET
IN THE HIGH COURT OF SINDH KARACHI

Crl. Bail Application No. 105 of 2023

DATE

ORDER WITH SIGNATURE OF JUDGES

For hearing of bail application.

01-03-2023

Mr. Muhammad Farooq, Advocate for applicant.

Mr. Rafiq Ahmed, Advocate for complainant.

Mr. Faheem Ahmed Panhwar, Addl.P.G.

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Omar Sial, J: Nahayat Bibi has sought post arrest bail in crime number 517 of 2022 registered under sections 302 and 34 P.P.C. at the SITE-A police station. Earlier, her application seeking bail was dismissed on 22.12.2022 by the learned 10th Additional Sessions Judge, Karachi West.

2. A background to the case is that the aforementioned F.I.R. was registered on 10.10.2022 on the complaint of one Omer Siddique. Siddique reported that while he was at work his cousin informed him that a woman and a man had resorted to firing inside his house. Siddique learned that his brother-in-law Kamran and Kamran's mother (who was the applicant) had come home and that Kamran has shot his wife Kainat, who was Siddique's sister.

3. At the very outset the learned counsel for the complainant agreed that the role of the old lady was restricted to allegedly being present on the scene with her son and his wife. No overt role was assigned. Whether she can be vicariously liable for the acts of her son will have to be determined at trial after evidence has been recorded. At the moment there seems to be no evidence conclusively suggesting her involvement. Learned counsel further agrees that the applicant is an old woman and this fact in itself also entitles her to a concession. The learned Addl.P.G. resisted the grant of bail and supported the impugned order.

4. After hearing the parties I am inclined to agree with the learned counsel for the complainant. He has very frankly and honestly, without beating around the bush, acknowledged what appears, upon a tentative assessment, to be the correct position. The applicant is therefore admitted to bail subject to her furnishing a solvent surety in the sum of Rs. 100,000 and a P.R. Bond in the like amount to the satisfaction of the learned trial court.

JUDGE