ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
Crl. Bail Application No. 321of 2021

Date | Order with signature of Judge

For hearing of bail application.

10th June 2021

Mr. Shabbir Ahmed Kumbhar, advocate for applicant/accused.
Mr. FaheemHussainPanhwar, DPG.

Through instant bail application, applicant Ameen Hingorjo seeks post arrest bail in FIR No. 100/2020, under Section 302, 311/34 PPC, registered at P.S. Mirpur Bathoro.

It is stated that only allegation against the applicant is that he allegedly facilitated the main accused Muhammad Hanif Hingorjo, who committed murder of Rafique son of Hassan Hingorjo, however, it is well settled that vicarious liability can be determined by the trial court and bail is a rule where allegation of vicarious liability is alleged. Learned counsel for the applicant has relied case law reported as 2014 SCMR 1347 & 2014 SCMR 27.

Learned DPG contends that present applicant is not entitled for bail as he was accompanying with main accused.

The question of vicarious liability of the applicant for the commission of offence could only be determined after recording the evidence of the prosecution. The applicant cannot be detained in jail for indefinite period and it is well settled principle that bail cannot be withheld as a punishment, hence, the applicant is admitted to post arrest bail subject to his furnishing solvent surety in the sum of Rs.100,000/-and P.R. bond in the like amount to the satisfaction of the trial Court.

J U D G E

SAJID