

# IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR

Criminal Bail Application No. S-449 of 2025

Applicant: Jahanzeb *through* Mr. Achar Khan Gabol, Advocate  
Respondent: The State, *through* Mr. Mansoor Ahmed Shaikh,  
Deputy Prosecutor General, Sindh  
Date of hearing: 17.7.2025  
Date of decision: 17.7.2025

## O R D E R

**Muhammad Jaffer Raza, J.-** Through instant criminal bail application, applicant Jahanzeb son of Zafar Ahmed, by caste Gabol, seeks post-arrest bail in FIR No.349/2024, registered at Police Station A-Section, Ghotki, for the offence punishable under Section 302, 337-H(2) and 34 PPC.

2. It is specified that the instant order will not be a deliberation on merit and will only pertain to the applicability of **The Juvenile Justice System Act, 2018 (“The Act, 2018”)**, on the present applicant. For the said purpose, it is noted that according to the learned counsel the date of birth of the present applicant is 01.02.2011. The alleged incident is dated 22.08.2024 and the FIR was lodged on 23.08.2024. The date of arrest of the applicant is 05.9.2024 which means that he has been incarcerated approximately for 09 months.

3. It has been argued by the learned counsel for the applicant that irrespective of the merits of the case, the applicant is entitled to the concession of bail under The Act, 2018. He has further argued that the said applicant is entitled, under subsection (5) of Section 6 of the Act, 2018 on the ground that he has been incarcerated for a period exceeding six months and he is under 16 years of age.

4. Conversely, learned DPG has argued that age of the applicant has yet to be determined and without the said determination the concession of bail cannot be extended to the applicant as the same pivots around the applicability of the Act, 2018. In this regard he has prayed for determination of his age prior to consideration of the instant bail application.

5. I have heard the learned counsels and perused the record available before me.

6. The learned counsel for the applicant has invited my attention to the School Leaving Certificate of the applicant in addition to the Birth Certificate issued by NADRA authorities. Both the documents reflect the date of birth of the applicant as 01.02.2011 which inevitably means that the applicant was approximately 13 years of age at the time of the commission of the offence. Further, it is evident and not disputed that the applicant has been in custody since 05.09.2024. In this regard the provisions of Section 6 of the Act, 2018 are relevant, are cited here for ready reference:

**6. Release of a juvenile on bail.-**

(1)...

(2)...

(3)...

(4) Where a juvenile of more than sixteen years of age is arrested or detained for a heinous offence, he may not be released on bail if the Juvenile Court is of the opinion that there are reasonable grounds to believe that such juvenile is involved in commission of a heinous offence.

(5) Where the Juvenile Court is of the opinion that the delay in the trial of a juvenile has not been occasioned by an act or omission of such juvenile or any other person acting on his behalf or in exercise of any right or privilege under any law for the time being in force, such juvenile shall be released on bail if he has been detained for a continuous period exceeding six months and whose trial has not been completed.

7. It is apparent from the bare perusal of subsection (4) of Section 6 of the Act, 2018 that in case a juvenile is arrested for a “**heinous offence**”, he will not be released on bail if the Court is of the opinion that there are reasonable grounds to believe that such juvenile is involved in commission of a heinous offence. However, the said subsection is only applicable to a juvenile who is over the age of 16 years. In the case of the present applicant the gravity and the nature of the offence is immaterial as the said applicant is apparently under 16 years of age. It is specified that the instant bail order is not a determination of the age of the applicant and the learned trial Court is at liberty to conduct necessary tests in order to definitively determine his age. The said finding is only prima facie in nature as

any definitive findings may influence the decision and the jurisdiction of the learned trial Court.

8. Further it is evident that under Section 6 (5) of the Act, 2018, the delay in trial renders bail a matter of right if any period exceeding 06 months, which is apparent and admitted by both the learned counsel that the juvenile has been incarcerated for approximately nine (09) months and in this regard he is entitled to the statutory concession available to him under subsection (5) of Section 6 of the Act, 2018.

9. It was recently held in the Judgment of the Hon'ble Supreme Court of Pakistan in case of **Mehran**<sup>1</sup> that a therapeutic approach should be given in cases of juvenile and the Act must be interpreted in the most liberal manner to the benefit of juvenile. Such interpretation would only lead to the inevitable conclusion that the applicant is entitled for the concession of bail.

10. In light of the above noted circumstances, the applicant is admitted to bail subject to his furnishing solvent surety in the sum of Rs.100,000/- (Rupees One Lac), along with P.R in the like amount, to the satisfaction of trial Court.

11. Needless to mention that the observations made hereinabove are tentative in nature and would not influence the learned Trial Court while deciding the case of the applicant on merits.

**JUDGE**

Naveed Ali

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<sup>1</sup> Mehran v. Ubaid Ullah and others (PLD 2024 Supreme Court 843)