

IN THE HIGH COURT OF SINDH AT KARACHI

Cr. Bail Appln. No.794 of 2026

Applicant : Abu Bakar son of Noor ul Islam through
Mr. Ahteshamullah Khan, Advocate.

Cr. Bail Appln. No.795 of 2026

Applicant : Abdul Rehman son of Qasim through
Mr. Ahteshamullah Khan, Advocate.

Complainant : Muhammad Bilal present in person.

Respondent : The State through
Mr. Muhammad Noonari, Deputy P.G. Sindh

Date of hearing : 16.03.2026.

Date of order : 16.03.2026.

ORDER

TASNEEM SULTANA, J:- Through this common order, I propose to dispose of Criminal Bail Application No794 of 2026 filed by applicant Abu Bakar and Criminal Bail Application No.795 of 2026 filed by applicant Abdul Rehman respectively, seeking post-arrest bail arising out of FIR No.16 of 2026 registered at Police Station Docks, Keamari Karachi, for offences punishable under Sections 397/34 PPC. Earlier, their post arrest bail application No.1104 & 1106 of 2026 were dismissed by the learned Additional Sessions Judge-II, Karachi West, vide order dated 07.03.2026, hence the present applications.

2. Brief facts of the prosecution case are that on 23.12.2025 at about 03:30 a.m., the complainant along with his brother and other family members was present at his house situated at Pak Muslim Barma Colony, Keamari, Karachi, when four unknown persons allegedly descended from the roof and entered the house. It is alleged that the intruders tied the complainant and his brother with ropes at gunpoint while the complainant's mother and sister were present in another room. Thereafter the accused persons allegedly snatched cash amounting to Rs.145,000/-, gold ornaments and two mobile phones and fled from the scene.

3. Learned counsel for the applicants contends that both applicants are juveniles within the meaning of the Juvenile Justice System Act, 2018 and at the time of the alleged occurrence their ages were below eighteen years.

In support of such contention reliance has been placed upon the birth registration certificates produced on record; that the FIR was lodged against unknown persons and the applicants have been falsely implicated during investigation; that the evidence collected by the prosecution requires deeper appreciation which can only be undertaken during trial; that in view of the protective scheme of the Juvenile Justice System Act, 2018, the applicants are entitled to the concession of bail.

4. Conversely, learned Deputy Prosecutor General opposes the bail applications and submits that the applicants have been connected with the commission of the alleged offence during investigation and therefore do not deserve the concession of bail.

5. Heard. Record perused.

6. Perusal of the record reflects that both applicants have claimed juvenility and in support thereof have produced their respective birth registration certificates. The birth certificate of applicant Abu Bakar reflects his date of birth as 03.01.2009, whereas the birth certificate of applicant Abdul Rehman reflects his date of birth as 28.11.2009. The alleged occurrence took place on 23.12.2025. Thus, on the date of the occurrence, applicant Abu Bakar was aged about 16 years and 11 months, whereas applicant Abdul Rehman was aged about 16 years and 25 days. Both applicants were therefore admittedly below eighteen years of age and fall within the definition of *juvenile* as provided under Section 2(b) of the Act.

7. Section 6 of the Juvenile Justice System Act, 2018 governs the release of a juvenile on bail. Sub-section (3) thereof provides that where a juvenile is arrested or detained for commission of a minor or major offence, he shall be treated as if he were accused of commission of a bailable offence. The expression "major offence" has been defined under Section 2(m) of the Act to mean an offence for which punishment is more than three years and up to seven years' imprisonment, with or without fine.

8. The applicants are facing allegation under Section 397 PPC, the punishment whereof extends up to seven years' imprisonment. Consequently, the alleged offence falls within the category of a major offence and not a heinous offence as defined under Section 2(g) of the Act.

9. The scope and object of the Juvenile Justice System Act, 2018 have been elaborately examined by the Honourable Supreme Court of Pakistan in the case of ***Mehran v. Ubaid Ullah (PLD 2024 Supreme Court 843)***, wherein it was held that the Act is a beneficial and reformative legislation enacted to ensure protection, rehabilitation and reintegration of juveniles in

conflict with law. The Honourable Supreme Court further held that Section 6 of the Act provides a distinct statutory framework for grant of bail to juveniles, and the provisions thereof are to be interpreted in a progressive and liberal manner so as to advance the constitutional guarantees of liberty, fair trial and dignity. It was also observed that in cases of juveniles, the statutory scheme leans in favour of release rather than detention, and the nature of the offence alone cannot be treated as a decisive factor to deny bail where the law otherwise extends protection to the juvenile.

10. Likewise, in the case of ***Raheem Dad v. The State (2012 YLR 590)***, it was held that the provisions governing bail of a juvenile confer a statutory right, which operates independently of the ordinary bail provisions contained in Section 497 Cr.P.C., and once the conditions prescribed under the juvenile justice law are fulfilled, the juvenile becomes entitled to bail irrespective of the gravity of the allegation. Further, in the case of ***Sahib Ullah v. State (2022 SCMR 1806)***, the Honourable Supreme Court reiterated that where two interpretations of a statutory provision are possible, the interpretation favourable to the accused must be adopted, particularly where the accused is governed by a special and beneficial legislation.

11. Applying the above principles to the facts of the present case, since the alleged offence under Section 397 PPC carries punishment which may extend to seven years, hence falls within the category of a major offence under the Act. Consequently, by virtue of Section 6(3) of the Act, the applicants are to be treated as accused of commission of a bailable offence for the purpose of bail.

12. It may further be observed that the Juvenile Justice System Act, 2018 is a beneficial and reformatory legislation enacted to ensure protection and rehabilitation of juveniles in conflict with law. The detention of a juvenile during the pendency of trial is to be avoided unless exceptional circumstances exist. In the present case, no such exceptional circumstances have been brought on record which would justify the continued incarceration of the applicants. Moreover, the Honourable Supreme Court of Pakistan in the celebrated judgment reported as ***Tariq Bashir v. The State (PLD 1995 SC 34)*** has held that grant of bail in a bailable offence is a right, whereas in non-bailable offences it is a concession.

13. In the present case, the applicants are in custody since their arrest, and nothing has been brought on record to demonstrate that they are

previous convicts or that their release on bail would bring them into association with hardened criminals or expose them to any danger. At this stage, the material placed on record requires only tentative assessment and deeper appreciation thereof would be undertaken at the time of trial. In view of the above circumstances, both applicants Abu Bakar and Abdul Rehman have made out a case for grant of post-arrest bail. Consequently, the applicants are admitted to post-arrest bail, subject to furnishing solvent surety in the sum of Rs.50,000/- (Rupees Fifty Thousand only) each and P.R bond in the like amount to the satisfaction of the Nazir of this Court.

14. Needless to observe that the observations made hereinabove are tentative in nature and shall not influence the learned trial Court while deciding the case of the applicants on merits.

JUDGE

Nadeem