



*under the supervision of probation officer. The juvenile shall not under any circumstances be kept in a police station under police custody or jail in such cases.*

*(2) The Juvenile Court shall, in a case where a juvenile is not released under subsection (1), direct the police for tracing guardian of such juvenile and where guardian of such juvenile is traced out, the Juvenile Court may immediately handover custody of the juvenile to his guardian.*

*(3) Where a juvenile is arrested or detained for commission of a minor or a major offence for the purposes of this Act, he shall be treated as if he was accused of commission of a bailable offence.*

*(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.*

5. Section 2 of the Act of 2018 defines minor, major and heinous offences as follows:

*(g) "heinous offence" means an offence which is serious, gruesome, brutal, sensational in character or shocking to public morality and which is punishable under the Pakistan Penal Code, 1860 (Act XLV of 1860) or any other law for the time being in force with death or imprisonment for life or imprisonment for more than seven years with or without fine;*

*(m) "major offence" means an offence for which punishment under the Pakistan Penal Code, 1860 (Act XLV of 1860) or any other law for the time being in force is more than three years and up to seven years imprisonment with or without fine;*

*(o) "minor offence" means an offence for which maximum punishment under the Pakistan Penal Code, 1860 (Act XLV of 1860) or any other law for the time being in force is imprisonment up to three years with or without fine;*

6. A holistic reading of the above sections of the Act of 2018 reflects that a juvenile i.e. (a person less than 18 years of age) accused of a *major* or *minor* offence, should be granted bail as of right unless it appears that there are reasonable grounds for believing that the release of such juvenile may bring him in association with criminals or expose him to any other danger. If the offence for which a juvenile is charged is a *heinous* offence, the juvenile may be declined bail

if he is 16 years or older. In the present case, the applicant *prima facie*, according to the NADRA record appears to be 12 years of age and thus, would be entitled to the concession given in the Act of 2018 to persons falling within the ambit of that Act, 2018.

7. It is yet to be seen whether the case of the applicant, being a child of 12 years, falls within the exception contained in section 83 P.P.C. which provides as follows.

*83. Act of a child above seven and under twelve of immature understanding. Nothing is an offence which is done by a child above ten years of age and under fourteen, who has not attained sufficient maturity of understanding to judge of the nature and consequences of his conduct on that occasion.*

8. Above are the reasons for my short order of 22-03-2022 in terms of which the Applicant was admitted to post arrest bail.

JUDGE