



2026:JKLHC-JMU:855

**HIGH COURT OF JAMMU & KASHMIR AND LADAKH  
AT JAMMU**

**Bail App No. 329/2025**

*Reserved on:* 06.03.2026  
*Date of pronouncement:* 25.03.2026  
*Date of uploading:* 25.03.2026

*Whether the operative part or full  
judgment is pronounced* **Full**

**Anjum Mehmood**, Age 19 years ..... Petitioner(s)/Applicant(s)  
(16 years at the time of occurrence)  
S/o Ghulam Mohi-u-Din  
R/o Bayla, Tehsil Mandi, District  
Poonch

Through: Mr. M. A. Bhat, Advocate.

**vs**

**Union Territory of J&K** through Incharge ..... Respondent(s)  
Police Station Mandi, Poonch

Through: Mrs. Monika Kohli, Sr. AAG.

**CORAM: HON'BLE MR. JUSTICE RAJESH SEKHRI, JUDGE**

**JUDGMENT**

- 01.** The applicant, a juvenile in conflict with law, has invoked Section 12 of Juvenile Justice Act, 2015, ["the Act"], for his enlargement on bail in FIR No. 10/2022, registered with Police Station, Mandi, Poonch, for offences under Sections 13/39 UAPA, 120-B, 121, 122 IPC after his plea for similar relief came to be declined by learned Special Judge designated under NIA Act (Additional Sessions Judge), Poonch, ["the trial Court"].
- 02.** Background facts of the prosecution case are that on 17.01.2022 at 2100 hours, Police Station, Mandi, Poonch received a source information that applicant is in telephonic contact with Pakistan



agency ISI and other terrorist outfits. He was motivating youngsters and people of the area to wage war against the country and disturb peace and tranquility. FIR came to be registered and the investigating agency along with Executive Magistrate 1<sup>st</sup> Class, Mandi and Army personnels of 25 RR Madras Battalion, raided house of the applicant and arrested him.

03. During sustained investigation, according to the investigating agency, applicant disclosed that he is running a cell phone repairing shop at Main Bazar, Mandi. He has installed and made accounts in Facebook and Whatsapp Messenger app in his Redmi mobile phone and had an email ID in the name of [Kashmiranjum1@gmail.com](mailto:Kashmiranjum1@gmail.com). Some time ago, he came into contact with one Pakistani national namely Sahil Khan through Facebook, who shared with him phone number of one Haji Mastan, a Pakistani national. Thereafter, he contacted said Haji Mastan through Whatsapp and during the chat Haji Mastan disclosed that he is a commander of “Muslim Jan Baz Force” a militant outfit and their motive is to struggle for freedom of Jammu & Kashmir. Haji Mastan told him that he is incharge of district Poonch and applicant was asked to provide photographs of Mandi area, particularly establishment of security forces, to which he agreed and shared photographs of tactical security and other vital installations. Haji Mastan provided him phone numbers of few terrorists and motivated him to join terrorist outfit ‘Muslim Jan Baz Group’. Thereafter, applicant created a Whatsapp group in the name of “Inshaallah



Victory” in which phone numbers shared by Haji Mastan were added. According to the investigating agency, some audio, video clips and photographs of “Muslim Jan Baz Group” were saved and available in the cell phone of the applicant, which he had kept in the almirah of his bedroom. On this disclosure, a Redmi 10 Pro Max mobile phone of the applicant came to be recovered from an almirah of his bedroom in the presence of Executive Magistrate 1<sup>st</sup> Class, Mandi, and it came to be sealed, as per law. The investigating agency obtained date of birth certificate of the applicant and it revealed that applicant was a juvenile, as such, he was sent to Observation Home, R. S. Pura, Jammu.

04. According to the investigating agency, it revealed during examination of seized mobile/screen shots that applicant had links with Pakistan based terror outfits in Pakistan and Kashmir through his mobile phone on Facebook/Whatsapp/Messenger apps and there was subversive data including audios, videos in his mobile phone. The investigating officer also obtained authentication certificate of CDRs of cell number of the applicant under Section 65-B Evidence Act. It also revealed during investigation that applicant had created an email ID in his cell phone in the name of [Kashmiranjum1@gmail.com](mailto:Kashmiranjum1@gmail.com) and through Facebook/Whatsapp/ Messenger apps he was in contact with “Muslim Jan Baz Force” a militant outfit.
05. On perusal of the printout of screenshots extracted from the seized cell phone, as per the IO, it revealed that applicant had created a



symbol/logo of Muslim Jan Baz Force by writing “War til Victory, Join MUF, joining Shad, Go India Go Back, Muslim Jan Baz For Poonch, “Allah Karay main bi Hizbul Mujahideen main Shamil Ho jao, dowā karo merayliyasabhiplease jigrodowa karo, and photographs of Burhan Wani commander HM, Mohd Aslam Dar, Haider Jihadi, Usman Hamza, Ibrahim Bhai, Danis Ullah Islam and some other anonymous militants were found saved. Secret investigation through sister agencies also verified that MJF is a part of LeT militant outfit, who motivated the applicant for engaging youth with the ulterior motive to revive militancy in J&K, especially in the twin districts of Rajouri and Poonch to disturb peace and tranquility and wage war against security and sovereignty of India to cause bloodshed.

06. The investigation culminated in the presentation of charge sheet against the applicant for offences under Sections 120-B/121/122 IPC, 13/39 UAPA.
07. The applicant preferred an application for his enlargement on bail, which came to be dismissed by the trial Court, *inter alia* on the grounds that national interest is paramount to personal liberty, the course of justice will be thwarted if applicant is admitted to bail, he is alleged to have committed offences against the nation, which carry punishment of death or imprisonment for life with fine and there appear reasonable grounds to believe that his release is likely to bring



him in association with the terrorist organisations and it will defeat the ends of justice.

08. Applicant has taken an exception to the observations of learned trial Court. It is contention of the applicant that bail in case of a juvenile, even if tried as an adult, is governed under Section 12 of the Act which makes it imperative on the Courts and Juvenile Justice Board to grant bail. According to the applicant, it is manifest from a conjoint reading of the provisions of bail under Cr. P. C., UAPA and Juvenile Justice Act that provisions of bail contained in Section 12 of the Act has overriding affect over the provisions of Cr. P. C. and 43D(5) of UAPA.
09. It is contention of the applicant that restrictions contained in proviso to Section 12 of the Act cannot be read to the disadvantage of a juvenile but towards his welfare only. Therefore, according to the applicant, he is entitled to bail as a matter of rule.
10. It is pertinent to mention that bail application No. 140/2025, preferred by the applicant earlier came to be dismissed for non-prosecution by this Court, vide order dated 11.11.2025, subject however to liberty to the applicant to move afresh before this Court or the trial Court. The applicant has preferred the present application and learned Sr. AAG has adopted the objections filed in the earlier application, which is part of the present petition as annexure-IV.
11. The plea has been opposed on the otherside by the respondent, primarily on the ground of gravity of the charge and national security.



12. Having heard learned counsels for the parties, I have perused the record.
13. Mr. M. A. Bhat, learned counsel for the applicant has relied upon a decision rendered by this Court in “*Zubair Ahmad Teli and Anr. vs. Union Territory of J&K and Anr.*” [Crl R No. 15/2021 dated 28.04.2022], a judgment of Bombay High Court in “*Shubham @ Bablu Milind Suryavanshi vs. The State of Maharashtra*” [Bail App No. 2282/2021 dated 21.10.2022] and a judgment rendered by Delhi High Court in “*Nand Kishore (In Jc) vs. State*” dated 07.07.2006, to reiterate the grounds urged in the memo of application.
14. Juvenile Justice Act came to be legislated with an avowed object to make sure that basic needs of children are met through proper care, protection, development, treatment, social integration by adopting a child friendly approach in the adjudication and disposal of matters in their best interest and for their rehabilitation through the processes provided under the Act and that their basic human rights are protected. There is no dispute to the statutory position of law that a Court exercising jurisdiction under the provisions of Juvenile Justice Act must adhere to the general principles of care and protection of children, enumerated in Section 3 of the Act and that all the decisions regarding a child in conflict with law should be premised on the primary consideration that they are in his best interest and rehabilitation.



15. However, it is pertinent to underline that offences under the Act have been classified as **Petty offences** under Section 2 (45), punishable with maximum imprisonment upto three years under the Penal Code or any other law for the time being in force, **Serious offences**, punishable under the Penal Code or any other law for the time being in force with imprisonment between 3 to 7 years, under Section 2 (54) and **Heinous offences** under Section 2 (33), which include the offences for which the **minimum punishment** under the Penal Code or any other law for the time being in force is imprisonment for seven years or more. The Act, thus clearly differentiates the offences in three categories. The legislative intent behind the classification of offences, is loud and clear that cases involving heinous offences are required to be dealt with utmost circumspection and sensitivity.
16. The petitioner has approached this Court for his liberation, primarily on the ground that he being a child in conflict with law is entitled to be released on bail as a matter of right, in terms of Section 12 of the Act, which for the ease of reference is extracted hereunder:-

**12. Bail to a person who is apparently a child alleged to be in conflict with law-**

*“(1) When any person, who is apparently a child and is alleged to have committed a bailable or non-bailable offence, is apprehended or detained by the police or appears or brought before a Board, such person shall, notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974) or in any other law for the time being in force, be released on bail with or without surety or placed under the supervision of a probation officer or under the care of any fit person:*

*Provided that such person shall not be so released if there appears reasonable grounds for believing that the release is likely to bring that person into association with any known criminal or expose the said person to moral, physical or psychological danger or the person’s release would defeat the ends of justice, and*



*the Board shall record the reasons for denying the bail and circumstances that led to such a decision.*

(2).....

(3).....

(4).....”

17. Though it is manifest from a plain reading of Section 12 that a child in conflict with law, who is alleged to have committed a bailable or a non-bailable offence, is to be released on bail with or without surety notwithstanding anything contained in Cr. P. C. or any other law for the time being in force, however, proviso attached to Section 12 is a caveat that such person shall not be so released, if there are reasonable grounds to believe that his release is likely to bring him into the association of a known criminal or expose him to moral, physical or psychological danger or his release would defeat the ends of justice. It is manifest, as such from an attentive perusal of the rider attached to Section 12 of the Act that bail cannot be claimed by a juvenile in conflict with law as a matter of right irrespective of gravity of the charge. This is manifestly clear from the language of the proviso attached to Section 12 that legislature did not intend that a juvenile in conflict with law must be released on bail, notwithstanding facts and circumstances obtaining a case. In other words, it is clear from the proviso appended to Sub-section 1 of Section 12 of the Act that bail plea of a juvenile can be declined if his release is likely to bring him into the association of a known criminal or expose him to moral, physical or psychological danger or defeats the ends of justice.
18. As discussed in the preceding paras, the act differentiates between the petty offences, serious offences and heinous offences, the expression “**the ends of justice**” would encompass factors like the nature of the crime, the gravity of the charge, the methodology adopted by the accused, the manner of the commission of crime by him and impact on the society.



19. I am fortified in my opinion by an observation of Hon'ble Supreme Court rendered in **Om Prakash vs. State of Rajasthan and Anr.** reported as (2012) 5 SCC 201.

Relevant excerpt reads as below:

*“30. Thus, it is no ultimate rule that a juvenile below the age of 16 years has to be granted bail and can be denied the privilege only on the first two of the grounds mentioned in the proviso, that is to say, likelihood of the juvenile on release being likely to be brought in association with any known criminal or in consequence of being released exposure of the juvenile to moral, physical or psychological danger. It can be equally refused on the ground that releasing a juvenile, that includes a juvenile below 16 years would “defeat the ends of justice.” In the opinion of this Court the words “defeat the ends of justice” employed in the proviso to Section 12 of the Act postulate as one of the relevant consideration, the nature and gravity of the offence though not the only consideration in applying the aforesaid part of the dis entitling legislative edict. Other factors such as the specific need for supervision or intervention, circumstances as brought out in the social investigation report and past conduct of the child would also be relevant that are spoken of under Section 18 of the Act.”*

20. It was in the light of the aforesaid legislative mandate discoursed in **Om Prakash** that in **X vs. State of Uttarkhand; 2024 SCC Online Utt 728**, bail plea of a school student came to be declined by High Court of Uttranchal. The petitioner in the said case was accused of distributing obscene video of a 14 years old girl, which allegedly drove the minor victim to commit suicide. Relevant observation captured in Para 11 of the judgment reads as below-

*“11. Having considered the social investigation report, the medical examination report, the report from the school, this Court is of the view that best interest of the child would be served if he is not granted bail. If he is released on bail, it would definitely defeat the ends of justice. This Court below has rightly rejected the bail application. Accordingly, the revision deserves to be dismissed.”*

21. The aforesaid judgment came to be assailed by the petitioner and pertinently, Hon'ble Supreme Court refused to interfere and upheld the High Court verdict in **X (Minor) through her Mother vs. State of Uttarakhand: SLP (Crl.) Nos. 7097-7098/2024** decided on 20.05.2024.



Relevant observation of Hon'ble Supreme Court reads as below:-

*“Having heard learned Senior counsel for the petitioner at length and after carefully perusing the material placed on record, we are not inclined to interfere with the impugned order passed by the High Court at this stage.*

*The Special Leave Petitions are, accordingly, dismissed.”*

22. In view of aforesaid observations of Hon'ble Supreme Court, the case law relied by learned counsel for the petitioner is clearly distinguishable.
23. Allegations against the applicant in the present case are that he is not only in telephonic contact with Pakistan agency ISI and other terrorist outfits, but he is also motivating the youngsters of his area to wage war against the country. He developed contact with a Pakistani national namely Sahil Khan through Facebook, who shared phone number of one Haji Mastan, another Pakistani national with him. He contacted said Haji Mastan through Whatsapp, to whom he agreed to provide photographs of Mandi area of district Poonch and in particular establishment and vital installations of security forces. He created a Whatsapp group in the name of “Inshaallah Victory”. On the disclosure of the applicant, his mobile phone came to be recovered from the almirah of his bedroom in the presence of Executive Magistrate 1<sup>st</sup> Class, Mandi and examination of his mobile phone revealed that he not only had links with Pakistan based terror outfits but there was subversive data including audios, videos in his mobile. When printout of the screen shots extracted from his mobile phone were examined by the investigating agency, it surfaced that he was involved to revive militancy in Jammu & Kashmir especially in



the twin districts of Rajouri and Poonch to disturb peace and tranquility and wage war against the sovereignty of the country.

24. Allegations against the applicant are not only serious in nature but against the integrity of the country. The methodology adopted by him in sharing photographs of vital installations of security forces to his Pak handlers is sufficient to indicate that his conduct with which he associated with Pakistani agency ISI and Pak based terrorists is that of a matured and a skilled person. Therefore, release of the applicant at this stage would not only expose him to moral, physical and psychological danger but it would defeat the ends of justice.
25. Having regard to the nature and gravity of the offence and the manner of its commission, this Court is of the view that release of applicant/juvenile at this stage would neither be in his best interest nor advance the cause of justice.
26. For the foregoing reasons, present application is **dismissed**.

(Rajesh Sekhri)  
Judge

Jammu  
25.03.2026  
Sushant

Whether the judgment is speaking? **Yes**  
Whether the judgment is reportable? **Yes**