Sr. No. 38

HIGH COURT OF JAMMU & KASHMIR AND LADAKH AT JAMMU

Crl A (D) No. 15/2024

Date of pronouncement: 28.10.2026
Date of uploading: _____

Union Territory of Jammu and Kashmir Incharge/SHO Police Station, Bahu Fort, Jammu. …..Appellant(s)/Petitioner(s)

Through: Mrs. Monika Kohli, Sr. AAG with
Ms. Priyanka Bhat, Assisting Counsel

Vs

XXX (Child in Conflict with Law) ….. Respondent(s)

Through: None

CORAM: HON'BLE MR. JUSTICE SANJEEV KUMAR, JUDGE
HON'BLE MR. JUSTICE M A CHOWDHARY, JUDGE

ORDER (ORAL)
28.10.2026

Sanjeev Kumar 'J'

1. This appeal by the Union Territory of Jammu and Kashmir, in terms of Section 21 of National Investigation Agency Act, 2008**,** is directed against an order dated 23.03.2024 passed by the Court of 3rd Additional Sessions Judge, Jammu (Designated Court under Section 22 of NIA Act), in case titled "*XXX (Child in Conflict with Law) vs. UT of J&K"*, whereby the Child in Conflict with law **["CCL for Short"]** has been granted bail in case FIR No. 315/2021 of Police Station, Bahu Fort, Jammu, for offences under Sections 18/20/23 of Unlawful Activities (Prevention) Act, 1967.

2. The impugned order of grant of bail has been assailed by the appellant primarily on the ground that the Designated Court under Section 22 of the

NIA Act, 2008 **["the trial Court"]** has not appreciated that the CCL can be denied bail in view of the proviso to Sub-section (1) of Section 12 of the Juvenile Justice (Care and Protection of Children) Act, 2015 **["the Act"]** where the Court is of the opinion that the release of the CCL is likely to bring it into association with any unknown criminal or expose it to moral, physical or psychological danger, or that such release would defeat the ends of justice.

3. It is, thus, argued that the trial Court did not take into consideration the aforesaid aspect of the matter and directed the release of the CCL only for the reason that the respondent being a child below the age of eighteen years was entitled to grant of bail as a matter of fact.

4. Having heard learned counsel for the appellant and perused the material available on record, it is not in dispute that respondent, who is released on bail by the trial Court in terms of order impugned is a CCL and is, therefore, entitled to protections of Section 12 of the Act.

5. From perusal of the order impugned, we could not discern that the proviso to Sub-section (1) of Section 12 of the Act was pressed into service by the appellant before the trial Court. Once it is not demonstrated before the Court that release of the CCL seeking bail is likely to bring it into association with any unknown criminal or expose it to moral, physical or psychological danger, or that such release would defeat the ends of justice, the CCL is entitled to be released on bail as a matter of right. The trial Court has also taken note of the fact that the challan against the CCL was presented without mandatory sanction by the Government under the UA(P) Act.

6. Otherwise also, the CCL is enlarged since 23.03.2024 and there is nothing on record to demonstrate that the CCL, after being released on bail, has either come into contact with any known criminal or terrorist organization nor is there any evidence that after being released on bail, it has been exposed to any moral, physical or psychological danger.

7. In the absence of aforesaid factors existing in the case, the CCL must be conceded the concession of bail as a matter of right.

8. For the foregoing reasons, we find no legal or factual infirmity in the order impugned. This appeal is found devoid of any merits and the same is, accordingly, ***dismissed***.

9. ***Disposed of.***

HIGH COURT OF JAMMU & KASHMIR AND LADAKH

(M A Chowdhary)
Judge

(Sanjeev Kumar)
Judge

Jammu
28.10.2026
Nikhil

Whether the order is speaking?: Yes/No

Whether the order is reportable?: Yes/No