

**IN THE COURT OF MUHAMMAD AMIR MUNIR,**  
**ADDL. DISTRICT & SESSIONS JUDGE, PHALIA (M.B.DIN).**  
**SPECIAL COURT**  
**[UNDER THE ANTI-RAPE (INVESTIGATION AND TRIAL) ACT, 2021]**

The State through **Sameera Zulfiqar w/o Zulfiqar Ahmad,**  
r/o Jokalian, Tehsil Phalia District Mandi Bahauddin.

**Versus**

AM (a juvenile)....

29.03.2023.

**Present:** Petitioner<sup>1</sup>, a juvenile,<sup>2</sup> present alongwith his mother as guardian<sup>3</sup>.

Ch. Sarfraz Ahmad Araien Advocate, learned counsel for the juvenile.

Mr. Muhammad Arshad Tarar Advocate, Learned counsel for the complainant.

Learned ADPP/Special Prosecutor for the state.

Pervi Officer with record.

**FIR No.15/2023, dated 24.01.2023.**

**Offence u/s 376(iii)/511PPC.**

**Police Station: Bhagat.**

**ORDER<sup>4</sup>**

As per the first information report of crime (*hereinafter* FIR), the petitioner, a juvenile of approximately 13 years, is nominated allegedly for kidnapping 9 years old minor son of the complainant to a deserted place, whereafter, and on gun point, he made an attempt to commit unnatural offences with him. On hue and cry, witnesses attracted

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<sup>1</sup> Names of petitioner and victim are withheld in this order as both are minors/children under 18 years.

<sup>2</sup> Section 2(h) of the Juvenile Justice System Act, 2018 defines a “Juvenile” to mean a child to be dealt with for an offence in a manner which is different from an adult.

<sup>3</sup> See section 2(f) of the Juvenile Justice System Act, 2018 where the term guardian is defined for the purposes of this Act.

<sup>4</sup> Section 2(a) of the Juvenile Justice System Act, 2018 defines that the “best interest of the child” means the basis for any decision taken regarding the child to ensure fulfillment of his basic rights and needs, identity, social well-being, physical, emotional and psychological well-being.

This definition seems an ‘overall’ provision guiding and instructing all the legal actors dealing with a juvenile (police, investigators, probation officers, lawyers, Juvenile Justice Committee and the Juvenile Court etc) to always keep in mind the ‘best interest of the child’ whenever a decision is to be taken under this law. Therefore, Therapeutic Jurisprudence (TJ) lens is required for all the above legal actors while dealing with a juvenile so that the intent of this definition is fulfilled.

See also by the author of this judgment, Munir, Muhammad Amir, Judging in a Therapeutic Way: TJ Audit of Juvenile, Probation and Criminal Procedure laws in Pakistan with reference to Therapeutic Design and Therapeutic Application of Law (July 2018), being Chapter 9 in *The Responsive Judge: International Perspectives*, Springer 2018, [https://doi.org/10.1007/978-981-13-1023-2\\_9](https://doi.org/10.1007/978-981-13-1023-2_9), Available at SSRN: <https://ssrn.com/abstract=3843274>.

to the crime scene; while the petitioner escaped from there successfully. Matter was reported to the Police after a period of more than two days. The FIR was lodged under section 376(3)<sup>5</sup> read with section 511<sup>6</sup> of the Pakistan Penal Code, 1860 (*hereinafter*, PPC). The matter is under investigation he apprehends his arrest.

2. The petitioner seeks pre-arrest bail on various grounds including, among others, that he is a minor and the matter is of ill will and *mala fide* of the complainant and the police to lodge this FIR against him.

3. Learned ADPP/Special Prosecutor, duly assisted by learned counsel for the complainant, has vehemently contested this petition.

4. **Heard and record perused.**

5. After going through the whole record, I intend to **ALLOW** this petition for the following reasons:-

- i.* Delay of 2 days in lodging of the FIR is not explained plausibly. Generally, delay in such like cases is not so considered fatal for bail purposes, but other circumstances discussed below are to show that why this is found relevant here.
- ii.* The statement under section 161 of Cr.PC by the victim, allegedly a 9 years old boy, is not to suggest the application of offence of attempt to rape punishable under section 376(iii) of PPC read with section 511 of PPC. In the alternative, an attempt to commit offence of sexual abuse<sup>7</sup> punishable under section 377-B of PPC seems to be alleged in FIR. However, the victim has stated that the juvenile has made an attempt to commit بد فعلی with him after

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<sup>5</sup> This section of PPC provides punishments for the offence of rape with a minor.

<sup>6</sup> This section of PPC provides punishment for an attempt to commit an offence.

<sup>7</sup> Offence of Sexual Abuse is defined in section 377-A of PPC. It reads as under:

377A. Sexual Abuse.—Whoever employs, uses, forces, persuades, induces, entices, or coerces any person to engage in, or assist any other person to engage in fondling, stroking, caressing, exhibitionism, voyeurism or any obscene or sexually explicit conduct or simulation of such conduct either independently or in conjunction with other acts, with or without consent where age of person is less than eighteen years, is said to commit the offence of sexual abuse.

removal of his shalwar. It is not explained by him nor it seems that the IO has asked or inquired as to what is to be understood from the said general word. No touch is shown to any private parts of victim by the juvenile. The victim was not taken for his DNA nor the petitioner/juvenile for his medical and DNA. Of course, in trial, the evidence will suggest as to what act was attempted by the petitioner and what offence to be made out from it. In the facts narrated above and below, it is a question of doubt if the occurrence is as it is reported.

- iii.* The petitioner is himself of tender age (approximately 13 years) and hence it will remain a question of further probe if he has capacity to commit the alleged offence.
- iv.* Although, the offence is heinous but petitioner is first offender and Report of the Probation Officer, MB Din, submitted before this court bearing No. PO(PP&PS)MBD-2023/27 dated 10.03.2023 has shown that he is without any criminal history and is socially active and normal. Nothing has been shown to suggest that he has tendency towards criminality or sexual offences.<sup>8</sup>
- v.* Although, pre-arrest bail in heinous offence is exceptional but section 83 of PPC has also to be given due effect at the moment because unless it is established that the petitioner/juvenile has sufficient maturity of understanding to judge the nature and consequences of his conduct on the occasion of

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<sup>8</sup> Section 7 of the Juvenile Justice System Act, 2018 requires that the investigation of case is to be conducted by a police officer not below the rank of sub-inspector under supervision of Superintendent of Police or SDPO; while the Probation Officer or notified Social Welfare Officer shall assist the IO in investigation to prepare a social investigation report (SIR) to be annexed with the Report prepared under section 173 the Code of Criminal Procedure, 1898 (commonly known as Cr.PC).

offence, he deserves benefit of this provision at the moment, as well.

- vi. He is before the court. The court has observed his gesture, the way he is present in the court, in terms that he seems quite of a tender age and is humble in appearance. The petitioner's mother is also present as her natural guardian. She has also referred FIR No.16/23 dated 24.01.2023 u/s 452/506 PPCP.S Bhagat wherein she has shown a story of some dispute between two families and their children on some petty issue. The instant FIR and the FIR by mother of the petitioner juvenile are lodged one after the other for occurrences of same day involving same children (victim and juvenile of this petition) from both sides. In such like situation, the question of ill will and *mala fide* of the complainant to lodge the FIR against the petitioner also cannot be ruled out at the moment.
- vii. He has joined the investigation. No recovery is effected from the petitioner during investigation. It is not necessary to arrest a juvenile of less than 16 years of age for pointation of place of occurrence and effecting recovery.
- viii. When the offence is heinous but the ill will and *mala fide* of complainant or police to nominate him cannot be ruled out at the moment, pre-arrest bail can be accepted to meet the ends of justice and in the 'best interest of the child'.
- ix. He is previous non-convict.
- x. Her mother is ready to provide any surety if his petition is allowed as per terms & conditions under the Juvenile Justice System Act, 2018 (JJSA 2018).

. Before parting with this, I have considered to experiment chatGPT 4, an online AI software developed by openai.com that works on

artificial intelligence (AI). Discussion to follow will be interesting for readers of this Order.

**TESTING THE DYNAMICS OF CHATBOT chatGPT 4 AI SOFTWARE:<sup>9</sup>**

6. This court has started to experiment the use of above software to see how it can help the justice system to pass crisp and smart judicial orders and judgments in accordance with law based on support and assistance of artificial intelligence and that whether this modern information technology is relevant and helpful in this regard.

7. Although, this court has already given the above reasons on the basis of facts and circumstances of this case to accept this pre-arrest bail application but just to test the power and dynamics of ChatbotGPT4 as to what answers it has on the proposition, I have asked Chatbot GPT4 some questions. The said questions and answers are reproduced hereunder so that the researchers of the justice system, the Hon'ble Superior Courts, the judicial academies, the Law and Justice Commission of Pakistan, lawyers, litigants, public and media can consider to see whether AI can be made more relevant for judicial system in this country. We should recall that in China<sup>10</sup> and Dubai<sup>11</sup> virtual judges and robot judges are functioning for some of the courts. Why not Pakistan to also try to take lead in this regard!

8. It should also be noted that my decision to allow this pre-arrest bail application is not based on the answers to be provided by the artificial intelligence program Chatbot GPT4. At the moment, same is based on application of traditional judicial mind by this court. It is hoped that one day the Chatbot GPT4 or other custom based AI programs/software will be there to provide full algorithm support to judicial decision making system in Pakistan to lessen the burden on human judicial mind (e.g., judges and magistrates) for the provision of

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<sup>9</sup> <http://openai.com>.

<sup>10</sup> <https://content.techgig.com/technology/china-launches-digital-courts-with-ai-judges-and-mobile-court-system/articleshow/72468390.cms>.

<sup>11</sup> <https://www.khaleejtimes.com/technology/dubai-to-use-ai-for-litigation-without-a-judge>.

‘inexpensive and expeditious justice’<sup>12</sup> to the litigants. How it will happen in Pakistan is a question that needs deliberations, discussions, research, inputs of judges, lawyers, legal and judicial academia, IT and AI experts, etc., for a better answer.

9. The readers of this Order are also informed that it may become little lengthy at the moment but it is at the cost of testing the functionality and experimenting the use of artificial intelligence for the judges, courts and the justice system.

10. Let us see, what were my questions and how the Chatbot GPT4 responded:<sup>13</sup>

***“Q No.1: Whether in Pakistan, a juvenile of 13 years is entitled to post arrest bail?”***

***Answer by the Chatbot GPT 4:***

*In Pakistan, the law governing the bail of juveniles is the Juvenile Justice System Act 2018. According to Section 12 of the Act, a juvenile who is accused of committing an offense may be granted bail if the offense is punishable by imprisonment for less than or up to three years, or if the juvenile has already spent half of the maximum period of detention for the offense in custody.*

*However, it is important to note that the grant of bail to a juvenile is subject to the discretion of the court, and the court must take into account several factors, including the nature of the offense, the juvenile's age, character, and antecedents, and the likelihood of the juvenile committing further offenses if released on bail.*

*Therefore, whether a 13-year-old juvenile in Pakistan is entitled to post-arrest bail would depend on the specific circumstances of the case, and the decision would ultimately be made by the court based on the factors mentioned above.*

***Q No.2: Discuss it with reference to section 83 of Pakistan penal code.***

***Answer by the Chatbot GPT 4:-***

*Section 83 of the Pakistan Penal Code (PPC) provides a general rule regarding the liability of juveniles for criminal offenses. It states that nothing is an offense which is done by a child under seven years of age, and that a child who has not attained the age of twelve years is presumed to be incapable of committing an offense.*

*However, it is important to note that this presumption of incapacity is not absolute and can be rebutted in certain circumstances. For example, if it is proved that the child had sufficient maturity and*

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<sup>12</sup> See Article 37(d) of the Constitution of Pakistan, 1973.

<sup>13</sup> Please note that I have reproduced all communication between myself and the ChatGPT4 for ready reference. Original communication is available on file with this author.

*understanding to know the nature and consequences of his actions, he may be held criminally liable even if he is below the age of twelve years. Furthermore, under the Juvenile Justice System Act 2018, a juvenile who is accused of committing an offense can be granted bail under certain circumstances, as discussed in my previous answer.*

*Therefore, in the case of a 13-year-old juvenile who is accused of committing an offense, the court would consider the provisions of Section 83 of the PPC in determining whether the juvenile is capable of committing the offense. If the court finds that the juvenile is capable of committing the offense, it would then consider the provisions of the Juvenile Justice System Act 2018 in determining whether to grant bail to the juvenile.*

*In summary, while Section 83 of the PPC provides a general rule regarding the liability of juveniles for criminal offenses, the decision on whether a 13-year-old juvenile is entitled to post-arrest bail would ultimately depend on the specific circumstances of the case and the application of the relevant provisions of the Juvenile Justice System Act 2018.*

***Q No.3: Please note age of sufficient understanding is now amended as 14 years in PPC.***

***Answer by the Chatbot GPT 4:-***

*Thank you for bringing this to my attention. You are correct that Section 83 of the Pakistan Penal Code (PPC) was amended in 2016 through the Criminal Law (Amendment) Act 2016 to increase the age of "sufficient maturity and understanding" from twelve to fourteen years.*

*Therefore, under the amended Section 83 of the PPC, a child who has not attained the age of fourteen years is presumed to be incapable of committing an offense, except in certain circumstances, such as when the child has sufficient maturity and understanding to know the nature and consequences of his actions.*

*In the case of a 13-year-old juvenile who is accused of committing an offense, the court would consider the provisions of the amended Section 83 of the PPC in determining whether the juvenile is capable of committing the offense. If the court finds that the juvenile is capable of committing the offense, it would then consider the provisions of the Juvenile Justice System Act 2018 in determining whether to grant bail to the juvenile.*

*I apologize for any confusion my previous answer may have caused and appreciate your clarification.*

***Q No.4. In above situation, if offence is an attempt to commit rape, then what do you suggest? Option for bail request.***

***Answer by the Chatbot GPT 4:-***

*If the offense is an attempt to commit rape, then it is a serious offense, and the court would need to consider several factors before deciding whether to grant bail to a 13-year-old juvenile accused of committing such an offense. The court would have to consider the specific circumstances of the case, the strength of the evidence against the juvenile, and the likelihood of the juvenile committing further offenses if released on bail.*

*Under the Juvenile Justice System Act 2018, a juvenile accused of committing an offense that is punishable by imprisonment for more than three years is not entitled to bail, unless there are exceptional circumstances that warrant the grant of bail. Attempted rape is punishable by imprisonment for up to ten years under Section 376/511 of the Pakistan Penal Code, so the juvenile would not be entitled to bail as a matter of right.*

*However, the court may still consider a bail request from the juvenile's legal counsel, who would have to present arguments in favor of bail and demonstrate that exceptional circumstances exist that warrant the grant of bail. For example, the juvenile's legal counsel may argue that the juvenile has no prior criminal record, that he poses no risk of fleeing or tampering with evidence, and that he is not a danger to society. The court would weigh these factors against the seriousness of the offense and make a decision based on the specific circumstances of the case.*

*In summary, if the offense is an attempt to commit rape, the juvenile would not be entitled to bail as a matter of right under the Juvenile Justice System Act 2018. However, the court may still consider a bail request if exceptional circumstances exist, and the juvenile's legal counsel would need to present arguments in favor of bail and demonstrate that the juvenile is not a flight risk, a danger to society, or likely to tamper with evidence.*

***Q No.5.Section 6 of juvenile justice system act 2018 deals with bail. Correct yourself.***

***Answerby the Chatbot GPT 4:-***

*You are correct that Section 6 of the Juvenile Justice System Act 2018 deals with bail for juveniles in Pakistan. I apologize for my mistake in my previous answer.*

*Section 6 of the Juvenile Justice System Act 2018 provides that a juvenile in conflict with the law may be released on bail under certain circumstances. If the juvenile is accused of committing an offense that is punishable with imprisonment for a term of three years or less, or if the juvenile has already spent half of the maximum period of detention for the offense in custody, then the court may grant bail to the juvenile. However, even if the offense is punishable by imprisonment for more than three years, the court may still consider granting bail to the juvenile if the circumstances warrant it. In such cases, the court must consider several factors, including the nature and seriousness of the offense, the likelihood of the juvenile fleeing, the risk of the juvenile committing further offenses, and the juvenile's age, character, and antecedents.*

*Therefore, if a 13-year-old juvenile is accused of attempting to commit rape, which is punishable by imprisonment for up to ten years under the Pakistan Penal Code, the court would consider whether the circumstances warrant granting bail to the juvenile. The court would take into account the factors mentioned above and make a decision based on the specific circumstances of the case.*

*I apologize for any confusion my previous answer may have caused, and thank you for bringing this to my attention.*



***Q No.6.Can you cite case law where bail in such like cases is allowed.***

***Answer by the Chatbot GPT 4:-***

*I am sorry, as an AI language model, I don't have access to the latest case laws or any legal databases. However, I can tell you that the decision to grant bail in cases involving attempted rape or any other serious offense is usually made by the court on a case-by-case basis, taking into account the specific circumstances of the case and the factors mentioned in the Juvenile Justice System Act 2018.*

*In general, the court may consider granting bail to a juvenile accused of a serious offense if the juvenile has no prior criminal record, is not a flight risk, is not a danger to society, and has a stable family and social support system. The court may also consider imposing certain conditions on the bail, such as requiring the juvenile to report to the police regularly, surrendering their passport or restricting their movements to a certain area.*

*It is important to note that every case is different and the decision to grant bail ultimately rests with the court. Therefore, if a juvenile is seeking bail in a case involving attempted rape or any other serious offense, it is important to seek legal advice from a qualified lawyer who can provide guidance on the specific circumstances of the case and the likelihood of the juvenile being granted bail.*

***Q.No.7. What therapeutic principles are applicable in given situation for juvenile for bail.***

***Answer by the Chatbot GPT 4:-***

*When considering whether to grant bail to a juvenile in conflict with the law, the court should consider the best interests of the juvenile, as well as the interests of society. This means that the court should consider therapeutic principles that are aimed at rehabilitating the juvenile and preventing future offending.*

*Some of the therapeutic principles that are applicable in the given situation for a juvenile seeking bail include:*

- 1. **Treatment and care:** The court should consider whether the juvenile requires any medical or psychiatric treatment, and whether such treatment is available in the community. The court may also consider whether the juvenile requires any support or care, such as family or social support, to help address the underlying causes of the offending behavior.*
  - 2. **Education and training:** The court may consider whether the juvenile requires any education or training to help address the underlying causes of the offending behavior, such as life skills training, vocational training, or anger management training.*
  - 3. **Restorative justice:** The court may consider whether the juvenile should be given the opportunity to make amends for the harm caused by the offending behavior, such as through community service or by meeting with the victim of the offense.*
  - 4. **Supervision and monitoring:** The court may consider whether the juvenile requires supervision and monitoring while on bail, such as regular check-ins with a probation officer or electronic monitoring, to ensure that they do not reoffend while on bail.*
- Overall, the goal of applying therapeutic principles in the given situation for a juvenile seeking bail is to address the underlying*

*causes of the offending behavior and prevent future offending. By taking a therapeutic approach, the court can help the juvenile to develop the skills and support they need to become law-abiding and productive members of society.*

***Q.No.8. Can bail be refused in above situation.***

***Answer by the Chatbot GPT 4:-***

*Yes, bail can be refused in the above situation if the court determines that it is necessary for the proper administration of justice or to ensure the safety of the community. The decision to grant or refuse bail is ultimately up to the discretion of the court, and the court will consider several factors when making its decision.*

*In the case of a juvenile accused of attempting to commit rape, the court may refuse bail if it determines that the offense is particularly serious or if there is a risk that the juvenile may reoffend or pose a danger to the community. The court may also refuse bail if the juvenile has a prior criminal record, has previously failed to appear in court, or if there is a risk that the juvenile may abscond or interfere with the investigation. Furthermore, if the court determines that the juvenile requires medical or psychiatric treatment that is not available in the community, it may refuse bail to ensure that the juvenile receives the necessary treatment. It is important to note that the decision to refuse bail is not automatic and must be based on the specific circumstances of the case. The court must balance the interests of the juvenile with the interests of society and consider whether refusing bail is necessary for the proper administration of justice or to ensure the safety of the community.*

*Can you help me to decide the bail in above situation if juvenile is 13 years, delay in lodging FIR is not explained, he is previous non record holder, his credentials are fine, he is not a flight risk, no chances of repetition of offense, no chances to tamper with evidence and he is ready to furnish bail bonds.*

*As an AI language model, I cannot make a final decision on whether bail should be granted or not, as this is a matter of judicial discretion and requires a thorough examination of the specific circumstances of the case by a qualified legal professional. However, I can provide some information that may be helpful in making this decision.*

*Based on the information you have provided, it appears that the juvenile is a first-time offender with no prior criminal record, and that there are no indications that he poses a danger to society, is a flight risk, or that he may tamper with evidence. Additionally, he is ready to furnish bail bonds, which suggests that he is committed to complying with the conditions of his release.*

*Under the Juvenile Justice System Act 2018, the court is required to consider the best interests of the juvenile when making decisions related to bail. In this case, the fact that the juvenile is only 13 years old, has no prior criminal record, and has shown a willingness to comply with the conditions of his release may be taken into account when considering his best interests.*

*Furthermore, the fact that there has been a delay in lodging the FIR and the lack of an explanation for this delay may also be taken into account when considering the merits of the case against the juvenile.*

*Taking all of these factors into consideration, it is possible that the court may be inclined to grant bail to the juvenile in this situation, subject to certain conditions such as regular reporting to the police or a probation officer, staying away from the victim or the scene of the crime, and refraining from committing any further offenses. However, this decision ultimately rests with the court, and a qualified legal professional should be consulted for specific guidance on the matter.*

***Q.No.9. How therapeutic jurisprudence helps in deciding this proposition for bail.***

***Answer by the Chatbot GPT 4:-***

*Therapeutic jurisprudence (TJ) is a multidisciplinary approach to the law that seeks to promote the psychological and emotional well-being of individuals involved in legal proceedings. In the case of a juvenile seeking bail for an offense, the principles of TJ can be used to guide the court's decision-making process by considering the impact that the decision will have on the juvenile's mental health, rehabilitation, and overall well-being.*

*TJ recognizes that legal processes can be stressful and traumatizing, especially for vulnerable populations such as juveniles. Therefore, when deciding on whether to grant bail to a juvenile, the court may consider the impact that pre-trial detention may have on the juvenile's mental health, and whether the juvenile is likely to benefit from community-based alternatives to detention.*

*Moreover, TJ emphasizes the importance of rehabilitation and reintegration into society, particularly for first-time offenders. By considering the juvenile's age, lack of prior criminal record, and other mitigating factors, the court can determine whether the juvenile is likely to benefit from community-based interventions, such as counseling or probation, rather than pre-trial detention.*

*In addition, TJ recognizes the importance of procedural justice, such as fairness, respect, and dignity, in promoting positive legal outcomes. Therefore, the court may consider the juvenile's access to legal representation, the clarity and transparency of the bail process, and other procedural safeguards that may impact the juvenile's sense of procedural justice.*

*Overall, the principles of TJ can guide the court's decision-making process by taking into account the impact that the decision may have on the juvenile's psychological well-being, rehabilitation, and overall sense of procedural justice. By promoting positive legal outcomes, TJ can help to ensure that the juvenile is able to reintegrate into society and become a productive member of the community.*

***Q.No.10. What are benefits to refuse bail in above situation.***

***Answer by the Chatbot GPT 4:-***

*As an AI language model, I cannot provide legal advice, but I can provide some information on the potential benefits of refusing bail in the above situation.*

*One of the potential benefits of refusing bail in this situation is to ensure public safety. If the offense in question is a serious offense such as an attempt to commit rape, there may be concerns that the juvenile could pose a risk to the victim or to society in general if released on*

*bail. Refusing bail in such situations can help to ensure that the accused remains in custody until the trial is completed and the risk to society has been adequately assessed.*

*Another potential benefit of refusing bail is to prevent the accused from interfering with the investigation or tampering with evidence. In certain situations, releasing the accused on bail could create opportunities for them to interfere with the investigation, intimidate witnesses, or tamper with evidence. Refusing bail can help to prevent such interference and ensure that the investigation proceeds fairly and effectively.*

*Furthermore, refusing bail in some cases can also send a strong message to the community that the justice system takes certain offenses seriously and is committed to protecting the public from harm. This can have a deterrent effect on potential offenders and help to promote respect for the rule of law.*

*It's important to note that the decision to refuse bail should be made on a case-by-case basis, taking into account the specific circumstances of each case. The court must consider the rights of the accused and ensure that the decision is fair and just, while also ensuring that public safety is adequately protected.*

***Q.No.11.In the two eventuality, what is best answer? Either to grant or to refuse bail.***

***Answer by the Chatbot GPT 4:-***

*As an AI language model, I cannot provide legal advice, but I can provide some general information.*

*The decision to grant or refuse bail in a particular case depends on a variety of factors, including the nature and seriousness of the offense, the age and criminal history of the accused, the likelihood of the accused fleeing or interfering with the investigation, and the potential risk to public safety.*

*In the case of a juvenile who has been accused of a serious offense, such as an attempt to commit rape, the court must consider the potential risk to public safety and the seriousness of the offense when deciding whether to grant or refuse bail. The court must also consider the therapeutic principles of the juvenile justice system and the best interests of the juvenile.*

*If the court determines that releasing the juvenile on bail would pose a significant risk to public safety, or that the juvenile is likely to interfere with the investigation, then the court may refuse bail. On the other hand, if the court determines that the juvenile is not a risk to public safety, and that there are no concerns about the juvenile interfering with the investigation, then the court may grant bail.*

*Ultimately, the decision to grant or refuse bail in a particular case depends on the specific facts and circumstances of that case. The court must carefully weigh all relevant factors and make a decision that is fair, just, and in the best interests of all parties involved.*

***Q.No.12. In above situation, can the juvenile be granted pre arrest bail? What Pakistan law suggests?***

***Answer by the Chatbot GPT 4:-***

*As of my knowledge cutoff date in September 2021, in Pakistan, pre-arrest bail is not available for a juvenile (a person under the age of 18) in cases where the offense is punishable by death, life imprisonment, or imprisonment exceeding 10 years. This is in accordance with Section 497 of the Code of Criminal Procedure (Cr.PC) and Section 6 of the Juvenile Justice System Act, 2018.*

*However, it's important to note that laws and regulations are subject to change, and it's always best to consult with a qualified legal professional or refer to the latest updated laws and legal precedents in Pakistan for the most accurate and up-to-date information on this matter. The decision to grant bail, whether pre-arrest or post-arrest, for a juvenile in a specific case will depend on the facts and circumstances of that case and the discretion of the court. It's important to seek legal advice from a qualified legal professional for accurate guidance in such matters.*

***Q.No.13. Please note that pre arrest bail is considered under section 498 of Cr.PC. Courts have to see I'll will or mala fide of complainant or police.***

***Answer by the Chatbot GPT 4:-***

*You are correct, I apologize for the oversight. Section 498 of the Code of Criminal Procedure (CrPC) in Pakistan does indeed provide for pre-arrest bail, and the court may consider factors such as ill-will or mala fide of the complainant or police when deciding whether to grant pre-arrest bail to a juvenile or any accused person.*

*In the given situation of a juvenile accused of an attempt to commit rape, the court may consider various factors, including the circumstances of the offense, the age and background of the juvenile, the credibility of the complainant or police, and any other relevant factors. If the court finds that the complainant or police has ill-will or mala fide intent in implicating the juvenile, and that there are no reasonable grounds to believe that the juvenile committed the offense, the court may consider granting pre-arrest bail to the juvenile.*

*However, it's important to note that the decision to grant or refuse bail, whether pre-arrest or post-arrest, is at the discretion of the court and will depend on the facts and circumstances of the case, as well as the applicable laws and legal precedents. It's always best to seek legal advice from a qualified legal professional for accurate guidance in such matters.*

***Q.No.14. You are quite smart at corrections. I am impressed.***

***Answer by the Chatbot GPT 4:-***

*Thank you for your kind words! As an AI language model, I strive to provide accurate and helpful information to the best of my abilities. If you have any further questions or need more information, feel free to ask. I'm here to help! Please note that while I can provide general legal information, I cannot provide legal advice. It's always best to consult with a qualified legal professional for specific legal matters.*

***Q.No.15.Why are you unable to look at Pakistan case law or precedents on the issue under discussion?***

***Answer by the Chatbot GPT 4:-***

*As an AI language model, I do not have real-time access to the internet or the ability to browse case law or precedents. My responses are generated based on the text inputs provided to me and the knowledge I have been trained on up to my knowledge cutoff date, which is September 2021. I do not have the ability to search for or access the latest case law or precedents, including those from Pakistan or any other jurisdiction.*

*Moreover, as an AI language model, I do not have the capability to interpret or analyze case law or provide legal advice. I can only provide general information and guidance based on the data I have been trained on. It's always best to consult with a qualified legal professional or refer to authoritative legal sources for up-to-date and accurate information on specific legal matters, including case law and precedents.*

***Q.No.16.Can you quote some research article on juvenile pre arrest bail in rape or other cases under Pakistan laws.***

***Answer by the Chatbot GPT 4:-***

*As an AI language model, I do not have the ability to directly quote or provide references to specific research articles, as I do not have access to external databases or internet browsing capability. However, I can suggest some general steps to help you find research articles on the topic of juvenile pre-arrest bail in rape or other cases under Pakistan laws:*

- 1. Use online legal research databases: You can search online legal research databases such as Westlaw, LexisNexis, or Pakistan Legal Research Database (PLRD) to find research articles, legal journals, and case law related to juvenile pre-arrest bail in rape or other cases in Pakistan.*
- 2. Check law journals and legal publications: Many law journals and legal publications publish articles on various legal topics, including juvenile justice and bail laws. You can search for relevant law journals or legal publications related to Pakistan laws and look for articles discussing the issue of juvenile pre-arrest bail in rape or other cases.*
- 3. Consult academic databases: Academic databases like JSTOR, Google Scholar, or other similar databases may contain research articles on juvenile pre-arrest bail in rape or other cases under Pakistan laws. You can search for relevant keywords, such as "juvenile," "pre-arrest bail," "rape," and "Pakistan laws," to find relevant articles.*
- 4. Seek guidance from legal experts: Consulting legal experts, including law professors, legal scholars, or practicing lawyers who specialize in juvenile law or criminal law in Pakistan, can be another way to obtain references to relevant research articles or case law.*
- 5. Refer to authoritative legal sources: Legal textbooks, treatises, and commentaries on juvenile law or criminal law in Pakistan may also contain references to research articles or case law on the issue of juvenile pre-arrest bail in rape or other cases.*

*It's important to ensure that the sources you reference are credible, reputable, and from authoritative legal publications or sources. Always*

*verify the accuracy and reliability of any legal research articles or case law before relying on them for legal analysis or decision-making.*

***Q.No.17.When will you be grown up to provide case law analysis?***

***Answer by the Chatbot GPT 4:-***

*As an AI language model, I do not "grow up" or evolve like a human being. However, OpenAI, the organization behind ChatGPT, continually works to improve and update the training data and models used to train ChatGPT in order to enhance its capabilities and accuracy. This may include incorporating more recent case law or legal precedents in the training data.*

*It's important to note that while I can provide general information and guidance, I am not a substitute for professional legal advice or case law analysis. Legal cases and precedents can be complex and require careful interpretation by qualified legal professionals who have access to the most up-to-date and authoritative sources. When seeking legal advice or case law analysis, it's always best to consult with qualified legal experts or refer to authoritative legal sources to ensure accurate and reliable information.*

***Q.No.18.So, how you are helpful to a judge in his professional judicial decision making process?***

***Answer by the Chatbot GPT 4:-***

*As an AI language model, I can provide general information and guidance on legal topics based on the knowledge and data available to me. I can assist a judge in their professional judicial decision-making process by providing relevant legal principles, explaining legal concepts, and suggesting considerations that may be relevant to a particular legal issue.*

*For example, I can provide information about legal statutes, regulations, and case law that are relevant to a given legal question or issue. I can also provide explanations of legal concepts and principles, such as the elements of a crime, standards of proof, or legal tests to be applied in specific situations. Additionally, I can offer suggestions on factors that a judge may consider when weighing different legal arguments or assessing evidence.*

*It's important to note, however, that as an AI language model, I do not have access to the most current or authoritative legal sources, and my responses are based on the data available to me up until my knowledge cutoff date (September 2021). Therefore, my responses should be used as a general reference and should not be relied upon as a substitute for professional legal advice or independent legal research. Judges should always consult authoritative legal sources, consider all relevant facts and circumstances of a case, and exercise their professional judgment in making judicial decisions."*

### **THIS COURT'S OBSERVATIONS ON chatGPT4 RESPONSES:**

11. From the above conversation of this court with the Chatbot GPT 4 program, it is found that AI technology has great potential to be

explored by the judicial system of Pakistan. The National Judicial Policy Making Committee (NJPMC) and the Law and Justice Commission of Pakistan (LJCP) may consider further research into this technology for a custom based approach for our courts. The last question mentioned above that how it is helpful for a judge in judicial decision making process has very interesting answer by the Chatbot GPT 4. The suggested answers are to show that if the judges will develop friendship with the Chatbot programs like openAI chatGPT4 or Google BARD<sup>14</sup>, and put right questions to it based on available data, facts and circumstances of a case, chatGPT4 will reduce much burden on the human judicial mind by providing much relevant and reliable answers. The court will then apply its judicial mind to see if some human input is required to make the decision final or that the answers of Chatbot GPT 4 are in themselves sufficient to make it an order of the court, of course free from any bias or prejudice.<sup>15</sup> However, the answers remain sensitive to the fact that the petitioner is a minor/child. I have also noted that chatGPT 4 has many a time given a disclaimer that his information may not be correct or based on true legal answer. It means many things have yet to be tested and experimented by courts in this regard to see full potential of AI in future.

12. As I have simply tested the Chatbot GPT 4 on the above mentioned facts and circumstances of this case to see how pre arrest bail of a juvenile in above offence can be taken up by this program and whether Chatbot GPT 4 has provided answers which are near to our settled law in Pakistan on the point, therefore, to this extent the answers were not only found impressive but also based on correct appreciation of the settled law in Pakistan on such type of bail. Of course, every case has its own circumstances and the order to grant or refuse bail may differ on case to case basis but much reliance can be placed on artificial intelligence due to the above related answers. The need of hour is that the statutory law along with full case law or binding judgments of Hon'ble Superior Courts of

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<sup>14</sup> BARD has not yet opened up for Pakistani users. It is working only for USA and UK territories. Hopefully, once it is made available online, its potential can also be tested viz the openAI chatbot GPT.

<sup>15</sup> On judicial bias, see generally, Brian M. Barry, *How Judges Judge: Empirical Insights into Judicial Decision Making*, New York, NY: Routledge, 2021.



Pakistan need to be made available publicly and freely. This way, chatbots will be able to read said data and then they can analyze the same for an appropriate legal answer using algorithm for the purpose. Our courts need to work on it with more speed than ever.

13. I hope that the above experiment by this court will help to experiment more on linking the judicial system of Pakistan with its flight towards new era for a smart judicial decision making process.

14. Earlier on, this court has also used Chatbot GPT 4 in a civil matter and found the results interesting. This is merely mentioned as a reference here.

15. At the cost of repetition, I am to mention that this court also understands that the present jurisprudence on writing bail orders is to guide us that such orders must be very brief so that the courts can give more focus on trials and writing judgments in important cases like murder or rape trials or deciding civil or criminal appeals. The case of *Muhammad Shakeel*<sup>16</sup>, is a guiding and instructive citation on the point. However, the length of the present orders has gone beyond ordinary limits of a bail order only for the reasons of an experiment made by this court to show that how Chatbot GPT 4 or like programs are relevant to the justice system. The reader of this order will pardon the undersigned for its length for this reason. I hope that the AI as a cutting edge technology will also provide its solution to craft shortest orders, once put in operation as a project for speedy and inexpensive justice for litigant public.

#### **CONCLUSION:-**

16. For the above reasons, the petition of AM (a juvenile) is hereby **allowed** subject to his submission of fresh surety bonds of **Rs.50,000/-** with one local surety in the like amount to the satisfaction of learned Area/duty Magistrate within 7 days. Her mother as natural guardian can submit this surety bond.

17. A copy of this order be sent to the Hon'ble Lahore High Court as well as the Law and Justice Commission of Pakistan, through

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<sup>16</sup>*Muhammad Shakeel v State*, PLD 2014 SC 458.

proper channel, for kind perusal and to consider it as a law reform proposal.

18. The file of this court be consigned to the record room after necessary completion by Mr. Muhammad Awais Ahlmad.

**Announced.**  
**29.03.2023.**

**Muhammad Amir Munir,**  
Addl. District & Sessions Judge, Phalia.  
**SPECIAL COURT**

**\*Sajjad Ali.**

[Under Anti-Rape (Investigation and Trial) Act 2021]

*Certified that this judgment consists of 18 (eighteen) pages which have been dictated, read, corrected and signed by me.*

**29.03.2023.**

Addl. District & Sessions Judge, Phalia.  
**SPECIAL COURT**  
[Under Anti-Rape (Investigation and Trial) Act 2021]

Learned ADPP/Special Prosecutor, duly assisted by learned counsel for the complainant, has vehemently contested this petition.

. **Heard and record perused.**

Vide my separate detailed order in English of even dated in English language, the petition of AM (a juvenile) is hereby **allowed** subject to his submission of fresh surety bonds of **Rs.50,000/-** with one local surety in the like amount to the satisfaction of learned Area/duty Magistrate within 7 days. Her mother as natural guardian can submit this surety bond.

. A copy of this order be sent to the Hon'ble Lahore High Court as well as the Law and Justice Commission of Pakistan, through proper channel, for kind perusal and to consider it as a law reform proposal.

. The file of this court be consigned to the record room after necessary completion by Mr. Muhammad Awais Ahlmad.

**Announced.**  
**29.03.2023.**

**\*Sajjad Ali.**

**Muhammad Amir Munir,**  
Addl. District & Sessions Judge, Phalia.  
**SPECIAL COURT**

[Under Anti-Rape (Investigation and Trial) Act 2021]