

**JIN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRWP-350-2016 (O&M)
Date of decision: 06.04.2016

Jagdeep Singh

.....Petitioner

versus

State of Punjab and others

.....Respondents

CORAM: Hon'ble Mr.Justice Kuldip Singh

Present: Mr.Surinder Singh Siao, Advocate for the petitioner
Mr.Luvinder Sofat, AAG Punjab
Mr.Amarjit Singh, District Programme Officer,
Fatehgarh Sahib in person

- 1. Whether Reporters of Local Newspapers may be allowed to see the judgment ?*
- 2. To be referred to the Reporters or not ?*
- 3. Whether the judgment should be reported in the Digest?*

Kuldip Singh, J. (Oral)

Affidavit of District Magistrate, Fategarh Sahib as well as District Programme Officer, Fatehgarh Sahib filed.

It comes out that Bara Singh has filed a complaint before the police that his daughter Pardeep Kaur, aged about 18 years 5 months, had gone out to learn stitching on 1.1.2016 and has not returned back. Later on police found said Pardeep Kaur with one Jagdeep Singh @ Jeetu, resident of village Kauri, near Khanna. She was recovered in the presence of her parents. When she was produced before Sub Divisional Magistrate, Fatehgarh Sahib, Pardeep Kaur insisted that she wants to live with Jagdeep Singh @ Jeetu and does not want to go with her parents. Since the SDM had

a doubt about the age of the girl, therefore, report of the District Programme Officer was called for, copy of which is produced on file and is taken on record. In the report dated 5.1.2016, Mr.Amarjit Singh, District Programme Officer has reported that both boy and girl stated that they are major but both of them could not produce any proof regarding the date of birth. The girl does not want to live with her parents. Therefore, it was proposed that the girl should be got medically examined and kept in State Protection Home, Jalandhar and regarding boy Jagdeep Singh, action be taken in accordance with law, after obtaining the orders of the District Magistrate. Accordingly, the file was put up before Shri Kamaldeep Singh Sangha, District Magistrate, Fatehgarh Sahib, who ordered that the girl be sent to State Protection Home, Jalandhar without fixing any date for her production before any authority, with the result that Pardeep Kaur remained in confinement at State Protection Home, Jalandhar from 5.1.2016 till she was released by this Court vide order dated 14.3.2016 on account of Habeas Corpus Petition being filed by Jagdeep Singh. From the affidavit and the report, it is clear that the date of birth was disclosed by the father of Pardeep Kaur in his complaint itself that she is major. Further the District Programme Officer also reported that both the boy and the girl are major. Even then he sent the proposal that since girl is not having any proof of date of birth with her, therefore, she be kept in State Protection Home, Jalandhar.

I am of the view that District Programme Officer,

Fatehgarh Sahib acted contrary to law. When the girl was found to be

major, she should not be kept in State Protection Home, Jalandhar and should be allowed to accompany with the person of her choice. The District Magistrate, Jalandhar also acted in mechanical manner and ordered that Pardeep Kaur be confined in State Protection Home, Jalandhar without specifying the further date on which she should be produced before any authority. The District Magistrate further ordered vide Annexure P3 that if any legal action is made out against Jagdeep Singh @ Jeetu, the same may be taken. In this way, it comes out that while dealing with the custody of run away couple, the view of the District Programme Officer, Fatehgarh Sahib was sought, who made a factually wrong report without applying his mind. The District Magistrate, representing the State Government also acted in mechanical manner.

As such, I am of the view that Pardeep Kaur detainee is entitled to compensation for her illegal detention from 5.1.2016 till 14.3.2016. Accordingly, Mr.Amarjit Singh, District Programme Officer, Fatehgarh Sahib, who made the wrong report and sent the wrong proposal for detention of Pardeep Kaur at State Protection Home, Jalandhar without properly looking into the matter is ordered to pay Rs.25,000/- from his own pocket and the State shall also pay a sum of Rs.25,000/- to Pardeep Kaur for her illegal detention within two months from the receipt of a certified copy of this order.

The present petition is accordingly disposed of.

06.04.2016

gk

(Kuldip Singh)
Judge