

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

249

CRM-M-7923-2019

Date of Decision : 05.03.2019

Mehak Sharma

..... Petitioner

Versus

State of Punjab and others

..... Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present: Petitioner present in person alongwith
 Mr. Tarun Seth, Advocate
 for Mr. Ankit Joshi, Advocate

Mr. Ramandeep Sandhu, Senior DAG, Punjab and
Ms. Amarjit Kaur Khurana, DAG, Punjab

Ms. Ashima Mor, Standing Counsel for the U.T. Chandigarh.

AJAY TEWARI, J. (ORAL)

On 21.02.2019 the following order was passed:-

“Prayer in the present petition filed under Section 482 of the Cr.P.C. is for issuance of a direction to the official respondents to protect the life and liberty of the petitioner and not to harass her at the instance of respondent Nos.4 to 9.

The petitioner is a 17 years old girl who states that her parents were forcing her to get married with a middle aged person and she took refuge in the house of her friend. It is her prayer that the official respondents be directed to ensure her security.

In my considered opinion, though the concern of the petitioner can not be down played yet the fact remains that she is a minor and the Court can not straightway allow her to stay wherever she wants. In the circumstances, I implead State of U.T., Chandigarh as respondent No.9.

Notice of motion.

On the asking of Court, Ms. Ashima Mor, who is Standing counsel for U.T., Chandigarh accepts notice on

behalf of respondent No.9- U.T., Chandigarh and copy of the paper book has been supplied to her in the Court today.

On the asking of the Court, Ms. Amarjit Kaur Khurana, Deputy Advocate General, Punjab, accepts notice on behalf of respondents No.1 to 3-State.

Counsel for the petitioner undertakes to supply three copies of the paper book to the learned DAG during the course of the day. Learned DAG is requested to direct the concerned police officers to inform the private respondents about the next date so that their stand can also be seen by the Court.

Adjourned to 26.02.2019.

In the meantime, Standing Counsel, U.T. is requested to ensure that the petitioner is kept in safe custody in Aashiana, Sector 15, Chandigarh and produce her in Court on the date fixed.

A copy of this order be handed over to the learned counsel for U.T. and DAG under the signatures of the Court Secretary.”

Thereafter on 26.02.2019 the following order was passed:-

“Respondent No5 along with other relatives is present.

Mr. Gaurav Gupta, Advocate has entered appearance on behalf of the private respondents and has filed affidavits of Saroj Rani, Birbhan, Narender, Ram Rattan and Prem Kumar @ Kuldeep. Copies supplied to the counsel opposite. Let the girl be produced again on the next date of hearing.

Adjourned to 05.03.2019.

In the meantime, respondent No.5 is permitted to meet the girl.”

Thereafter the private respondents had appeared on the subsequent date and filed affidavits that they would not marry the petitioner

before the age of 18 and without obtaining her consent and would not

mistreat her in any manner. Today Ms. Ashima Mor, Standing Counsel for the U.T. Chandigarh has stated that she had a conversation with the petitioner and her 10th Class Exam of the Punjab School Education Board are slated for 15.03.2019 and she is very keen to take this exam. She has also stated that the Child Welfare Committee, Sangrur should be impleaded in the present case.

Keeping in view the apprehensions which were raised by the petitioner and the affidavits filed by the private respondents and the suggestion of the Standing Counsel for the U.T. Chandigarh, I put it to the petitioner if she would go back to her parents' house . She has stated that in case she is not mistreated and not married against her wishes and before she attains the age of majority, she would have no objection to go back to her parents' place.

In the circumstances, the Child Welfare Committee, Sangrur is impleaded as respondent No.10 through its Chairman. Registry is directed to make necessary corrections in the memo of parties. On the asking of the Court, Ms.Amarjit Kaur Khurana, DAG, Punjab accepts notice on behalf of the newly added respondent No.10.

Ms. Amarjit Kaur Khurana, learned DAG has stated that the petitioner would be dropped at her parental home today and tomorrow somebody from the Child Welfare Committee, Sangrur would contact the family and would ensure that the petitioner is not mistreated and married before the age of 18 and without her consent.

Petition stands disposed of in the above terms.

Copy of this order be given to the learned Standing Counsel for the U.T. Chandigarh and the learned Sr. DAG under the signatures of the Bench Secretary.

March 05, 2019
ashish

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned	-	Yes/No
Whether reportable	-	Yes/No