

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

CRM-M-22177-2019

Date of decision: May 21, 2019

Satnam Singh

....Petitioner

Versus

State of Punjab and others

....Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Jashandeep Singh Sandhu, Advocate
 for the petitioner.

Mr. M.S. Nagra, AAG, Punjab

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this petition is for issuance of direction to official respondents to hand over the custody of the minor daughter and son to the petitioner as they have been illegally kept by respondents No. 5 to 7.

In pursuance of notice of motion dated 15.5.2019, both the minor children are present and they have met their parents in the Court.

Learned State counsel, on instructions, stated that the minor daughter of the petitioner is a victim in FIR No.375 dated 15.10.2018 under Sections 376 and 377 IPC and under Section 19 of the POCSO Act and the prosecution agency apprehends that the present petition is filed after a gap of about four years is, in fact, at the instance of accused persons who may not allow the minor child to appear in Court later on for recording her statement. The children are being properly taken care of, where they are presently residing and the incident (of the FIR) pertains to the previous institution, which has now been closed by the administration and the children have been shifted to respondents No.6 and 7.

Learned State counsel, on instructions from SI Paramjit Kaur, Investigating Officer and SI Kushpreet Kaur, Station House Officer, Sohana has further stated that the children are not only given good education but they are given proper medicine for their treatment as and when required and they are living happily.

In view of the above and considering the fact that both the children are not in illegal custody and they are staying in Children Home, it will not be appropriate to hand over the custody of the children to the petitioner, at this stage, till the statement of the victim is recorded in the aforesaid FIR, before the competent Court of law.

The present petition is disposed of, with liberty aforementioned.

May 21, 2019
satish

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No