

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

CWP-31804-2019

Date of decision: 8.11.2019

Gurprem Singh and another

.....Petitioners.

vs.

State of Punjab and others

.....Respondents.

CORAM: - HON'BLE MR. JUSTICE SANJAY KUMAR

Present: - Petitioner No. 2 in person with
Mr. R.S. Dhillon and Mr. A.P. Kaushal, Advocates
for the petitioners.

Respondents No. 4 and 5 in person.

Mr. Rajiv Vij, Additional Public Prosecutor, U.T., Chandigah
with Ms. Babita, Head Constable

Mr. Ayush Sarna, Assistant Advocate General, Punjab.

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Sanjay Kumar, J. (ORAL)

The writ petition was filed seeking a direction to the police authorities of the State of Punjab to protect the lives and liberty of the petitioners and to restrain respondents No. 4 to 8, the relations of the second petitioner, Rubina Kumari, from interfering with their lives and liberty.

The matter was taken up for hearing on 1.11.2019. This Court took notice of the fact that the second petitioner, Rubina Kumari, is a minor, aged about 16 years, and accordingly directed that she be sent to Nari Niketan, Sector 26, Chandigarh.

Mr. Ayush Sarna, learned Assistant Advocate General, Punjab, sought time to ascertain as to whether any case has been

registered against the first petitioner, Gurprem Singh, in relation to the second petitioner, a minor, leaving her parental home.

Today, when the matter was taken up for hearing, the parents of the second petitioner, Rubina Kumari, who were arrayed as respondents No. 4 and 5, presented themselves before this Court. The second petitioner, Rubina Kumari, was also produced by Head Constable, Babita, Police Lines Sector, 26, Chandigarh. Upon a query from the Court, the second petitioner, Rubina Kumari, stated that she would like to return to her parental home.

As it is not the case of the petitioners that they entered into wedlock after the second petitioner left her parental home, the first petitioner is not the legal guardian of the second petitioner and therefore, she necessarily has to return to her parental home and to her natural and legal guardians, her parents.

Mr. Sarna, learned Assistant Advocate General, Punjab, on instructions from ASI Buta Singh, P.S. Dharamkot, District Moga, would also inform this Court that upon the complaint made by the parents in relation to the second petitioner leaving home without their consent, a FIR has been registered under Sections 363 and 366-A of the Indian Penal Code against the first petitioner.

The custody of the second petitioner, Rubina Kumari, shall be delivered to her parents, respondents No. 4 and 5, by the Superintendent/Incharge of the Nari Niketan, Sector 26, Chandigarh, after completing all due formalities today itself.

The writ petition is accordingly dismissed leaving it open to the police authorities to take appropriate action upon the FIR already

No order as to costs.

A copy of this order shall be given to the Head Constable,
Babita, Police Lines Sector, 26, Chandigarh under the signature of the
Bench Secretary of this Court.

8.11.2019

preeti

whether speaking/non speaking

whether reportable/non reportable

yes/no

yes/no

(SANJAY KUMAR)
JUDGE