

109
IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-32219-2019
Date of decision: 14.11.2019

Sewak Singh and another **.....Petitioners.**

vs.

State of Haryana and others **.....Respondents.**

CORAM: - HON'BLE MR. JUSTICE SANJAY KUMAR

Present: - Ms. Rajni Bala Rohilla, Advocate Amicus Curiae
for petitioner No. 2.

Mr. R.K.Doon, Additional Advocate General, Haryana.

Mr. Sandeep Saini, Advocate for respondents No. 4 and 5.

Mr. Rajiv Vij, APP for U.T. Chandigarh with
Head Constable Birbati 3550, Police Lines, Sector 26, Chd.

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Sanjay Kumar, J. (ORAL)

This writ petition was filed seeking a direction to the police authorities of the State of Haryana to protect the lives and liberty of the petitioners. Further direction was sought to the unofficial respondents No. 4 to 9, the relations of the second petitioner, Kiran @ Kirna, not to interfere with the lives and liberty of the petitioners. The petitioners also sought a direction to the police authorities to take necessary action upon their representation dated 2.11.2019.

The matter was taken up for hearing on admission on 6.11.2019. This Court found that the second petitioner, Kiran @ Kirna, was a minor, being just 17 years of age. However, she claimed to be in live-in relationship with the first petitioner. Upon the undertaking given by Ms. Dolly Shivani, learned counsel representing the petitioners, the second petitioner, Kiran @ Kirna, was allowed to go with the said counsel but when the matter was taken up for hearing on 7.11.2019, it emerged that the

second petitioner was not in the custody of the counsel despite the undertaking given by her. The case of the learned counsel was accordingly referred to Bar Council of Punjab and Haryana, Chandigarh, for necessary disciplinary action and the second petitioner, Kiran @ Kirna was sent to Nari Niketan, Sector 26, Chandigarh. Ms. Rajni Bala Rohilla, learned counsel, was appointed as Amicus Curiae to assist in the matter.

Today, Kiran @ Kirna, the second petitioner, was produced from the Nari Niketan by Head Constable, Birbati 3550, Police Lines, Sector 26, Chandigarh. Upon interaction with the second petitioner and her parents in chambers, this Court found that the second petitioner is now ready and willing to return to her parental home. The first petitioner, Sewak Singh, is stated to have been arrested in relation to a criminal complaint lodged by the parents of the second petitioner. The parents of the second petitioner undertook before this Court that they would not force any decision upon the second petitioner against her will and would abide by her choice and decision as and when she attains the age of majority. They also undertook to care for the second petitioner without restricting her freedom and without subjecting her to any ill treatment owing to the fact that she left her parental home without their consent.

The writ petition is accordingly disposed of recording the above undertakings and permitting the second petitioner to return to her parental home. Necessary formalities in this regard shall be completed by the Nari Niketan, Sector 26, Chandigarh, today itself and custody of the second petitioner shall be handed over to her parents. This Court also places on record its appreciation and gratitude for the able assistance by Ms. Rajni Bala Rohilla, Amicus Curiae.

No order as to costs.

A copy of this order be given to the Head Constable, Birbati
3550, Police Lines Sector 26, Chandigarh under the signature of the Bench
Secretary for compliance.

14.11.2019
preeti

(SANJAY KUMAR)
JUDGE

whether speaking/non speaking yes/no
whether reportable/non reportable yes/no