

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

CRWP No.3020 of 2020(O&M)  
Date of Decision: April 21, 2020

Raj Rani

...Petitioner

Versus

State of Haryana and others

...Respondents

**CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR**

Present:- Mr. Mohit Garg, Advocate  
for the petitioner.

Mr. Deepak Sabharwal, Addl. AG Haryana.

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**JAISHREE THAKUR, J. (Oral)**

Hearing has been done through video conferencing.

This is a criminal writ petition that has been filed by the petitioner-Raj Rani under Article 226/227 of the Constitution of India for the release of her minor girl Esha Makkar, who has been lodged at Child Home, Sirsa, claiming that on account of pandemic of Covid-19 she would be safer at her own parental home than Child Home, in which she has been lodged without following the due procedure.

A few brief facts that need to be noted are that daughter of the petitioner i.e. Esha Makkar has solemnized a marriage with one Suraj against the wishes of her parents. In fact, they had approached this court by way of filing a petition bearing CRM-M-9015 of 2018 claiming protection

of their life and liberty from the parents of the girl, which matter is still pending. The father of the girl had also approached this court by way of filing criminal writ petition seeking custody of the daughter, which has already been dismissed on 13.03.2018 itself. The present petition has been filed by the mother of the girl, without disclosing that the petition filed by the father of the girl for her custody already stood dismissed. However, without going into the details of the earlier petition filed by the father, this court deems it appropriate to take up this matter on its own merit.

The question that needs to be addressed is whether Esha Makkar, who is lodged at Child Home, Sirsa, should be released into the custody of her mother, given the pandemic condition of Covid-19 in the State of Haryana and other parts of the country.

Through the medium of whatsapp call/video conferencing, this court was able to talk to Esha Makkar and on a query put to her, whether she wants to go back to her parental home, she replied in the negative, by categorically stating that she has solemnized a marriage with said Suraj and would in fact like to go to her matrimonial home. She states that she is a major with her birth to be taken as 15.08.1999. She further stated she undertook her 10<sup>th</sup> class examination in the year 2017, however, could not clear the same having a reappear in the Math subject. It is also claimed that certificate relied upon by her parents, as issued on 15.08.2002, does not reflect her correct date of birth.

On interaction with the young lady, this court forms an opinion that Esha Makkar is well aware of her well being. She comes across as a confident young lady and has categorically refused to return to her parental

home, while submitting that she is being well taken care of. Even otherwise, she is going to attain majority in a few months in August 2020, if birth certificate of her parents is to be relied upon. Currently she is more than 17 ½ years of age.

This court is also being apprised by Ms. Nirmal Devi, Incharge, Child Home, Sirsa, on whatsapp call/video conferencing, that all norms and measures of social distancing for curtailing prevention of Covid-19 are being maintained at the Child Home, which is housing 15 residents, out of which two are male children of the age of 6 and 7 years and there is no Covid-19 patient in the said vicinity.

Therefore, in view of the fact that Esha Makkar had approached the court seeking protection from her parents and in view the fact that she has consciously refused to return to her parental home, this court does not find any merit in this petition. This petition is being dismissed also on the ground that at the present moment there is no imminent threat to any of the inmates to be exposed to Covid-19 virus.

**April 21, 2020**

*vijay saini*

**(JAISHREE THAKUR)**  
**JUDGE**

Whether speaking/reasoned  
Whether reportable

Yes/No  
Yes/No